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United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12501-12550

[Approved by the Secretary of Agriculture, Washington, D. C., January 7, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

12501. Adulteration of cottonseed cake. U. S. v. Cuero Cotton Oil & Mfg. Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 15060. I. S. Nos. 12003-r, 12005-r.)

On January 16, 1922, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Cuero Cotton Oil & Manufacturing Co., a corporation, Cuero, Texas, alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about February 19 and March 18, 1919, respectively, from the State of Texas into the State of Kansas, of quantities of cottonseed cake which was adulterated. The product consigned February 19, 1919, was invoiced as "50.68% C. S. Cake," namely, a product which contained 50.68 per cent of protein. The product consigned March 18, 1919, was invoiced as "C. S. Cake @ \$62.05," and was represented as containing not less than 48.05 per cent of protein.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the product consigned February 19, 1919, contained 48.25 per cent of protein and that the product consigned March 18, 1919, contained 46.01 per cent of protein.

Adulteration of the article was alleged in the information for the reason that a cottonseed cake of less than 50.68 per cent of protein, to wit, approximately 48.25 per cent of protein, or a cottonseed cake of less than 48.05 per cent of protein, to wit, 46.01 per cent of protein, as the case might be, had been substituted for the said article.

On December 22, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Secretary of Agriculture.*

12502. Adulteration and misbranding of butter. U. S. v. 47 Crates of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18879. I. S. No. 16847-v. S. No. E-4915.)

On July 17, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 47 crates of butter, consigned July 8, 1924, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Hardwick Creamery, Hardwick, Vt., and transported from the State of Vermont into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended. The

article was labeled in part: (Retail package) "Product of Vermont * * * 5 Lbs. Net"; (wholesale package) "H 60 Lbs. Net."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the name of another article, to wit, butter, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, since the statement made was not correct.

On July 22, 1924, the S. S. Pierce Co., Boston, Mass., having appeared as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12503. Adulteration and misbranding of canned clams. U. S. v. 48 Cases of Canned Clams. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 17082. I. S. No. 1723-v. S. No. E-4248.)

On December 26, 1922, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 48 cases of canned clams at Concord, N. H., alleging that the article had been shipped by Andrew Kerr Co., from Barnstable, Mass., on or about December 4, 1922, and transported from the State of Massachusetts into the State of New Hampshire, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fancy Clams Contents 8 oz." (design showing clams).

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for clams.

Misbranding was alleged for the reason that the statement, "Fancy Clams Contents 8 oz.," together with a design showing clams, was false and misleading and deceived and misled purchasers. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On December 4, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12504. Adulteration of pickles. U. S. v. 75 Barrels of Pickles. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18531. I. S. No. 11986-v. S. No. W-1498.)

On April 1, 1924, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 75 barrels of pickles remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the O. B. Allen Co., from Salt Lake City, Utah, on or about November 12, 1923, and transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On April 22, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12505. Adulteration of Brazil nuts. U. S. v. 4 Barrels of Brazil Nuts. Default decree of condemnation and forfeiture. Product ordered disposed of according to law. (F. & D. No. 17311. I. S. No. 7987-v. S. No. W-1325.)

On March 2, 1923, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed

in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 barrels of Brazil nuts remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Barnhart Mercantile Co., New Orleans, La., alleging that the article had been shipped from New Orleans, La., on or about December 7, 1922, and transported from the State of Louisiana into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On September 6, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be disposed of according to law.

HOWARD M. GORE, *Secretary of Agriculture.*

12506. Adulteration and misbranding of butter. U. S. v. Courtland Creamery Assoc., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 17929. I. S. No. 1150-v.)

On April 22, 1924, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Courtland Creamery Assoc., a corporation, Courtland, Minn., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 2, 1923, from the State of Minnesota into the State of Maryland, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Wrapper) "Fine Butter * * * One Pound Net."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained excessive moisture and was deficient in milk fat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Fine Butter," borne on the wrappers containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the article was fine butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was fine butter, whereas, in truth and in fact, it was not fine butter but was a product deficient in milk fat and containing an excessive amount of moisture.

On April 22, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

12507. Adulteration of shell eggs. U. S. v. Harry Roberts, Dan Roberts, and Chester I. Roberts (Roberts Bros. Co.). Plea of guilty by Harry Roberts. Fine, \$50 and costs. (F. & D. No. 17129. I. S. Nos. 7558-v, 7560-v.)

On April 5, 1923, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry Roberts, Dan Roberts, and Chester I. Roberts, copartners, trading as Roberts Bros. Co., Elkhart, Kans., alleging shipment by said defendants, in violation of the food and drugs act, in two consignments, namely, on or about July 3 and July 20, 1922, respectively, from the State of Kansas into the State of Colorado, of quantities of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,080 eggs from the consignment of July 3 showed that 81 eggs, or 7.5 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, and spot rots. Examination by said bureau of 720 eggs from the remaining consignment showed that 68 eggs, or 9.44 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On September 25, 1923, an order having been entered allowing Harry Roberts to appear for all the defendants, the said Harry Roberts entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12508. Adulteration and misbranding of jellies. U. S. v. F. P. Adams Co., Inc., a Corporation. Plea of nolo contendere. Fine, \$25. (F. & D. No. 18345. I. S. Nos. 1724-v, 1725-v, 1726-v, 1727-v.)

On March 31, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the F. P. Adams Co., Inc., a corporation, Boston, Mass., alleging shipment by said company, in violation of the food and drugs act, on or about October 31, 1922, from the State of Massachusetts into the State of New Hampshire, of quantities of jellies which were adulterated and misbranded. The articles were labeled in part: (Jar) "Pure Currant and Apple" (or "Grape and Apple," or "Strawberry and Apple," or "Raspberry and Apple") "Jelly F. P. Adams Co. Inc. Boston, Mass. Net Weight 7 Ozs."

Analysis of samples of the articles by the Bureau of Chemistry of this department showed that they were currant-flavored, grape-flavored, strawberry-flavored, or raspberry-flavored glucose pectin jellies, as the case might be, artificially colored with a coal-tar dye.

Adulteration of the articles was alleged in the information for the reason that currant-flavored, grape-flavored, strawberry-flavored, or raspberry-flavored glucose pectin jellies, as the case might be, had been substituted for the said articles. Adulteration was alleged for the further reason that the articles were products inferior to pure currant and apple jelly, pure grape and apple jelly, pure strawberry and apple jelly, or pure raspberry and apple jelly, as the case might be, and were artificially colored with amaranth 107, so as to simulate the appearance of the said articles and in a manner whereby their inferiority to the said articles was concealed.

Misbranding was alleged for the reason that the statements, to wit, "Pure Currant and Apple Jelly," "Pure Grape and Apple Jelly," "Pure Strawberry and Apple Jelly," and "Pure Raspberry and Apple Jelly," borne on the labels attached to the jars containing the respective articles, were false and misleading in that the said statements represented that the articles consisted wholly of pure fruit jellies as alleged in the labels, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they consisted wholly of pure fruit jellies as alleged in the said labels, whereas, in truth and in fact, they did not so consist but did consist of currant-flavored, grape-flavored, strawberry-flavored, or raspberry-flavored pectin jellies, as the case might be, artificially colored. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale and sold under the distinctive names of other articles.

On April 18, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12509. Adulteration and misbranding of butter. U. S. v. Lamoille Valley Creamery Assoc., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 17420. I. S. Nos. 1643-v, 1655-v.)

On June 30, 1923, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lamoille Valley Creamery Assoc., a corporation, East Hardwick, Vt., alleging shipment by said company, in violation of the food and drugs act, on or about October 23, 1922, from the State of Vermont into the State of Massachusetts, of a quantity of butter which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was deficient in butterfat and contained excessive moisture.

Adulteration of the article was alleged in the information for the reason that a substance low in butterfat and containing excessive moisture had been substituted for butter, which the said article purported to be, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the article was a product low in butterfat and [which] contained excessive moisture, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, butter.

On May 27, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

HOWARD M. GORE, *Secretary of Agriculture.*

12510. Misbranding of flour. U. S. v. 175, More or Less, Sacks of Flour. Decree ordering release of product under bond. (F. & D. No. 17978. I. S. No. 6387-v. S. No. C-4159.)

On November 6, 1923, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 175 sacks of flour at Pine Bluff, Ark., alleging that the article had been shipped by the Concordia Mill & Elevator Co. from Concordia, Mo., on or about October 12, 1923, and had been transported from the State of Missouri into the State of Arkansas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "Concordia Mill & Elevator Company * * * Concordia, Mo. * * * Bleached 24 Lbs. When Packed."

Misbranding of the article was alleged in the libel for the reason that the statement "24 Pounds," appearing on the sacks containing the said article, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 5, 1924, the Concordia Mill & Elevator Co., Concordia, Mo., having appeared as claimant for the property, judgment of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that the article be reconditioned under the supervision of this department by the addition of sufficient flour to cover the shortage in weight.

HOWARD M. GORE, *Secretary of Agriculture.*

12511. Misbranding of cottonseed meal. U. S. v. Charles A. Alling (Greenville Cotton Oil Mill). Plea of guilty. Fine, \$75. (F. & D. No. 17936. I. S. No. 7620-v.)

On March 17, 1924, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles A. Alling, trading as Greenville Cotton Oil Mill, Greenville, Texas, alleging shipment by said defendant, in violation of the food and drugs act, on or about September 12, 1922, from the State of Texas into the State of Colorado, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "100 Pounds (Net) 43% Protein Cottonseed Meal Prime Quality Manufactured by Greenville Cotton Oil Mill, Greenville, Texas. Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent * * * Crude Fiber not more than 12.00 Per Cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 38.48 per cent protein and approximately 13.90 per cent crude fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "43% Protein Cottonseed Meal" and "Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent * * * Crude Fiber not more than 12.00 Per Cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article contained not less than 43 per cent of protein and not less than 43 per cent of crude protein, and not more than 12 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, not less than 43 per cent of crude protein, and not more than 12 per cent of crude fiber, whereas, in truth and in fact,

the said article contained approximately 38.48 per cent of protein and approximately 13.90 per cent of crude fiber.

On May 12, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$75.

HOWARD M. GORE, *Secretary of Agriculture.*

12512. Misbranding of oats. U. S. v. 520 Sacks of Oats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18701. I. S. No. 12317-v. S. No. C-4376.)

On or about April 2, 1924, the United States attorney for the District of Kansas, acting upon a report by an official of the State of Kansas, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 520 sacks of oats remaining in the original unbroken packages at Pittsburg, Kans., alleging that the article had been shipped by the General Commission Co., Kansas City, Mo., on or about March 13, 1924, and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

Misbranding of the article was alleged in substance in the libel for the reason that it was [food] in package form and bore no label, mark, or brand of any character showing the net weight thereof. Misbranding was alleged for the further reason that the article was in package form and purported to be 96 pounds per sack, net weight, as was shown by the invoice and freight bill, whereas, in truth and in fact, the sacks contained a materially less amount than 96 pounds net weight.

On June 26, 1924, 8 sacks of the product having been seized and no claimant having appeared therefor, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12513. Adulteration of walnuts. U. S. v. 100 Bags of Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18148. I. S. No. 12605-v. S. No. E-4635.)

On December 10, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 bags of walnuts remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by William A. Camp & Co. from New York, N. Y., on or about November 5, 1923, and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed vegetable substance.

On April 15, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12514. Adulteration and misbranding of oats. U. S. v. 250 Sacks of Oats. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18794. I. S. No. 19525. S. No. C-4420.)

On or about June 19, 1924, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 sacks of oats at Walnut Ridge, Ark., alleging that the article had been shipped by Thistlewood & Co. from Cairo, Ill., on or about June 12, 1924, and transported from the State of Illinois into the State of Arkansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Crescent Brand Sample Oats Sulphur Bleached 159 $\frac{1}{4}$ Lbs. Net When Packed."

Adulteration of the article was alleged in the libel for the reason that a mixture containing barley, unthreshed wheat, wild oats, weed seeds, and stems had been mixed and packed with and substituted wholly or in part for the said article, in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the designation, "Sample Oats," was false and misleading and deceived and misled the purchaser, and for the

further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On July 29, 1924, A. J. Meyer & Co., Walnut Ridge, Ark., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that it be relabeled, "Oats and Screenings."

HOWARD M. GORE, *Secretary of Agriculture.*

12515. Adulteration of shell eggs. U. S. v. Abner Offerle and Harry A. Offerle (Offerle Mercantile Co.). Plea of guilty by Abner Offerle. Fine, \$50 and costs. (F. & D. No. 17525. I. S. Nos. 7590-v, 7605-v.)

On September 4, 1923, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Abner Offerle and Harry A. Offerle, copartners, trading as Offerle Mercantile Co., Offerle, Kans., alleging shipment by said defendants, in violation of the food and drugs act in two consignments, namely, on or about August 22 and October 10, 1922, respectively, from the State of Kansas into the State of Colorado, of quantities of shell eggs which were adulterated. The article was labeled in part: (Case) "from Offerle Mercantile Co., Offerle, Kans."

Examination by the Bureau of Chemistry of this department of 1,980 eggs from the consignment of August 22 showed that 222, or 11.21 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings. Examination by said bureau of 2,700 eggs from the remaining consignment showed that 306, or 11.33 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 25, 1923, an order of the court having been entered allowing Abner Offerle to plead for both defendants, a plea of guilty to the information was entered, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12516. Adulteration and misbranding of butter. U. S. v. Cumberland Valley Creamery (Inc.), a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 16959. I. S. Nos. 3015-v, 3018-v, 3073-v, 8184-t, 8185-t, 8186-t, 8188-t, 8189-t, 8190-t.)

On March 12, 1923, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Cumberland Valley Creamery (Inc.), a corporation, Nashville, Tenn., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about May 9, May 16, August 15, and August 17, 1922, respectively, from the State of Tennessee into the State of Georgia, of quantities of butter, a portion of which was adulterated and misbranded and the remainder of which was misbranded. The article was labeled in part, variously: (Package) "1 Lb. Net Pioneer Creamery Butter"; "One Pound Net Sunlight Creamery Butter Sunlight Creameries Washington C. H. Ohio"; "Lake View Creamery Butter Net Weight One Pound"; "Brookfield Creamery Butter 1 Lb. Net Weight." A portion of the Brookfield brand was enclosed in wrappers labeled in part, "4 Oz. Net Weight."

Examination by the Bureau of Chemistry of this department of a sample taken from each of the consignments showed that the packages contained less than 1 pound net of butter. Analyses of samples of the article by the said bureau showed that the Pioneer brand butter, the Lake View brand butter, and three of the four lots of the Sunlight brand butter contained excessive moisture and were deficient in milk fat.

Adulteration was alleged in the information with respect to the Pioneer brand butter, the Lake View brand butter, and three of the four lots of Sunlight brand butter for the reason that a product deficient in milk fat and containing an excessive amount of water had been substituted in whole or in part for creamery butter, which the said article purported to be.

Misbranding was alleged in substance for the reason that certain of the above-quoted statements, appearing in the labeling of the article, were false

and misleading in that the said statements represented that the Pioneer and Lake View brands of butter and three of the four consignments of Sunlight brand butter consisted wholly of butter, that the said Sunlight brand butter was made by the Sunlight Creameries, Washington C. H., Ohio, that the packages containing all the various lots of butter contained 1 pound net weight, and that the wrappers enclosing a portion of the Brookfield brand butter contained 4 ounces net weight of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said Pioneer and Lake View brands of butter and three of the four consignments of Sunlight brand butter consisted wholly of butter, that the said Sunlight brand butter was made by the Sunlight Creameries, Washington C. H., Ohio, that the packages containing all the various lots of butter contained 1 pound net weight, and that the wrappers enclosing a portion of the Brookfield brand butter contained 4 ounces net weight, whereas, in truth and in fact, the said Pioneer and Lake View brands of butter and three of the four consignments of Sunlight brand butter did not consist wholly of creamery butter but did consist in whole or in part of a product deficient in milk fat and containing an excessive amount of water, the said Sunlight brand butter was not made by the Sunlight Creameries, Washington C. H., Ohio, but was made by the Cumberland Valley Creameries, Inc., Nashville, Tenn., the packages containing the article did not contain 1 pound net but did contain a less amount, and the wrappers enclosing the said portion of the Brookfield brand butter did not contain 4 ounces net weight but did contain a less amount. Misbranding was alleged with respect to all the said product for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 16, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12517. Adulteration and misbranding of butter. U. S. v. Hanford Produce Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 18356. I. S. No. 4863-v.)

On May 19, 1924, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hanford Produce Co., a corporation, Sioux City, Iowa, alleging shipment by said company in violation of the food and drugs act as amended, on or about July 14, 1923, from the State of Iowa into the State of Ohio, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "1 Lb. Net Weight Hanford Trade Mark Registered Fancy Creamery Butter Hanford Produce Co. Sioux City, Iowa."

Analyses of three samples of the article by the Bureau of Chemistry of this department showed an average moisture content of 17.93 per cent and an average fat content of 78.12 per cent. Examination by said bureau showed that the average net weight of 30 packages examined was 15.83 ounces.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be. Adulteration was alleged for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements, to wit, "Butter" and "1 Lb. Net Weight," borne on the packages containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article consisted wholly of butter, that each of the said packages contained 1 pound net weight of the said article, and that it was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article consisted wholly of butter and that each of the said packages contained 1 pound net weight of the said article, whereas, in truth and in fact, it did not consist wholly of butter, but did consist of a product deficient in milk fat and containing an excessive amount of moisture, each of said packages did not contain 1 pound net weight of the article, but did contain a less

amount, and the said article did not contain 80 per cent by weight of milk fat, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 5, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12518. Adulteration of butter. U. S. v. 25 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 18847. I. S. No. 13280-v. S. No. E-4885.)

On or about July 11, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 tubs of butter remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Jewell Ice Cream Milk Co. from Columbus, Ohio, on or about June 27, 1924, and transported from the State of Ohio into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been in part abstracted.

On July 24, 1924, the Jewell Ice Cream Milk Co., Columbus, Ohio, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$750, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12519. Adulteration and misbranding of butter. U. S. v. 35 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 18844. I. S. No. 12858-v. S. No. E-4878.)

On July 2, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 tubs of butter remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Eagle Valley Cooperative Creamery from Clarissa, Minn., June 22, 1924, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Guaranteed Pasteurized Butter Made from Sweet Cream."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the article was falsely branded as to the State in which it was manufactured or produced, for the further reason that it was an imitation of or offered for sale under the distinctive name of another article, to wit, butter, and for the further reason that the label bore the statement "Butter," which was false and misleading and deceived and misled the purchaser.

On July 25, 1924, the Eagle Valley Creamery Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12520. Adulteration of shell eggs. U. S. v. 400 Cases of Shell Eggs. Decree entered, ordering product released. (F. & D. No. 18296. I. S. No. 7030-v. S. No. C-4119.)

On or about September 13, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 cases of shell eggs, at Chicago, Ill., alleging that the article had been shipped by Vanderford Co. from Weaubleau, Mo., August 31, 1923, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On November 23, 1923, Harry H. Field & Co. having appeared as claimant for the property, an order of the court was entered, providing that the product be candled under the supervision of this department and that the claimant pay the costs of the proceedings, including the cost of candling, or execute a bond in the sum of \$1,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12521. Adulteration and misbranding of cottonseed meal. U. S. v. Eufaula Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$40. (F. & D. No. 17137. I. S. No. 9375-t.)

On April 17, 1923, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Eufaula Cotton Oil Co., a corporation, Eufaula, Ala., alleging shipment by said company, in violation of the food and drugs act, on or about November 25, 1921, from the State of Alabama into the State of Florida, of a quantity of cottonseed meal which was adulterated and misbranded. The article was labeled in part: (Tag) "100 Lbs. Standard Cotton Seed Meal Ammonia 7 per cent Protein 36 per cent Fat 6 per cent Carbohydrates 30 per cent Fibre 14 per cent * * * Manufactured by Eufaula Cotton Oil Co., Eufaula, Ala."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 6.47 per cent of ammonia, 33.25 per cent of protein, 5.70 per cent of fat, and 16.02 per cent of fiber. Examination by said bureau showed that the article contained about 27 per cent of cottonseed hulls and at least 5 per cent of peanut hulls.

Adulteration of the article was alleged in the information for the reason that an excessive amount of cottonseed hulls and peanut hulls had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for cottonseed meal which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Standard Cotton Seed Meal," "Ammonia 7 per cent Protein 36 per cent Fat 6 per cent * * * Fibre 14 per cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was standard cottonseed meal and contained not less than 7 per cent of ammonia, not less than 36 per cent of protein, not less than 6 per cent of fat, and not more than 14 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was standard cottonseed meal and contained not less than 7 per cent of ammonia, not less than 36 per cent of protein, not less than 6 per cent of fat, and not more than 14 per cent of fiber, whereas, in truth and in fact, it was not standard cottonseed meal but was a product which contained an excessive amount of cottonseed hulls and which contained peanut hulls and contained less ammonia, less protein, less fat, and more fiber than was declared on the label.

On May 7, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$40.

HOWARD M. GORE, *Secretary of Agriculture.*

12522. Misbranding of cottonseed meal. U. S. v. Southern Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 17799. I. S. No. 3403-v.)

On December 5, 1923, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district an information against the Southern Cotton Oil Co., a corporation, Waynesboro, Ga., alleging shipment by said company, in violation of the food and drugs act, on or about December 27, 1922, from the State of Georgia into the State of North Carolina, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Protein, not less than 36.00% Equivalent to Ammonia 7.00%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 34.31 per cent of protein, the equivalent of 6.68 per cent of ammonia.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Protein, not less than 36.00% Equivalent to Ammonia 7.00%," borne on the tags attached to the sacks containing the said article, regarding the article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article contained not less than 36 per cent of protein, the equivalent of 7 per cent of ammonia, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 36 per cent of protein, the equivalent of 7 per cent of ammonia, whereas, in truth and in fact, the article contained less than 36 per cent of protein, to wit, approximately 34.31 per cent of protein, the equivalent of 6.68 per cent of ammonia.

On April 25, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

12523. Adulteration and misbranding of butter. U. S. v. 36 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18842. I. S. No. 16844-v. S. No. E-4913.)

On July 8, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 36 tubs of butter remaining in the original unbroken packages at Boston, Mass., consigned June 23, 1924, alleging that the article had been shipped by the South Hero Creamery Assoc., South Hero, Vt., and transported from the State of Vermont into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the name of another article, to wit, butter, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 11, 1924, the Goldsmith-Stockwell Co., Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12524. Adulteration and misbranding of vinegar. U. S. v. James T. Bothwell (J. T. Bothwell Grocery Co.). Plea of guilty. Fine, \$25. (F. & D. No. 12470. I. S. No. 16309-r.)

On October 25, 1920, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James T. Bothwell, trading as J. T. Bothwell Grocery Co., Augusta, Ga., alleging shipment by said defendant, in violation of the food and drugs act, on or about February 7, 1919, from the State of Georgia into the State of South Carolina, of a quantity of vinegar which was adulterated and misbranded. The article was labeled in part: "Pure Apple Cider Vinegar Capacity 26 Oz. Bottled by J. T. Bothwell Grocery Co. Augusta, Georgia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was distilled vinegar colored with caramel.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, distilled vinegar, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength and had been substituted in part for pure apple cider vinegar, which the said article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to pure apple cider vinegar and was colored with caramel so as to simulate the appearance of pure apple cider vinegar and in a manner whereby its inferiority to pure apple cider vinegar was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Pure Apple Cider Vinegar," borne on the labels attached to the bottles containing the said article, regarding the article and the ingredients and substances contained therein, was false and misleading in that the said statements represented that the article was pure apple cider vinegar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure apple cider vinegar, whereas, in truth and in fact, it was not pure apple cider vinegar, but was a mixture composed in part of distilled vinegar, artificially colored. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article, to wit, pure apple cider vinegar.

On November 18, 1920, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12525. Misbranding of olive oil and vegetable salad oil. U. S. v. 10 Cases of Olive Oil and 10 Cases of Vegetable Salad Oil. Decree ordering release of product under bond to be relabeled. (F. & D. No. 18082. I. S. Nos. 9826-v, 9827-v. S. No. W-1443.)

On November 28, 1923, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of olive oil and 10 cases of vegetable salad oil, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the articles had been shipped by the B. G. Makris Co. from New York, N. Y., on or about September 29, 1923, and transported from the State of New York into the State of Utah, and charging misbranding in violation of the food and drugs act, as amended. The olive oil was labeled in part: "'Makris Brand' Imported Lucca Olive Oil * * * Net Contents One Gallon B. G. Makris Importer & Packer Lucca Italy-France N. Y. U. S. A." The vegetable oil was labeled in part: "Il Papa Degli Olii Uncle Sam Oil Our Brand * * * Winter-pressed Vegetable Salad Oil * * * Net Contents One Gallon * * * Packed by B. G. Makris New York."

Misbranding of the articles was alleged in the libel for the reason that the statement, "Net Contents One Gallon," appearing on the labels of the cans containing the respective articles, was false and misleading in that the net contents of the said cans was not 1 gallon. Misbranding was alleged for the further reason that the articles were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On July 7, 1924, B. G. Makris, New York, N. Y., having appeared as claimant for the property and having paid the costs of the proceedings and executed a bond in the sum of \$1,000, in conformity with section 10 of the act, a decree of the court was entered, ordering that the product be released to the said claimant to be relabeled under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12526. Adulteration and misbranding of coal-tar color. U. S. v. 1 Can of Coal-Tar Color. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 14838. I. S. No. 3156-t. S. No. C-2997.)

On April 28, 1921, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 can of coal-tar color at Laredo, Texas, alleging that the article had been shipped by the W. B. Wood Mfg. Co. from St. Louis, Mo., on or about March 3, 1921, and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "1 Lb. Net W. B.

Wood Mfg. Co., St. Louis, Mo. Complies with all requirements Warranted Quality Color Number 810 Contents Yellow."

Adulteration of the article was alleged in the libel for the reason that sodium chloride and sodium sulphate had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the statement on the label, "Complies with all requirements, Warranted Quality, Color," was false and misleading and deceived and misled the purchaser.

On December 8, 1923, the W. B. Wood Mfg. Co., St. Louis, Mo., having appeared as claimant for the property, and an agreement having been entered into between the claimant and the Government that the case should be governed by the decision in a similar case then pending in the Circuit Court of Appeals for the Seventh Circuit on writ of error to the Eastern District of Illinois, and the court having determined that the said case had terminated in favor of the Government (W. B. Wood Mfg. Co. v. U. S. 286, Fed. 84), a judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal and that the claimant pay the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12527. Adulteration and alleged misbranding of canned salmon. U. S. v. 79 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond to be sorted. (F. & D. No. 16868. I. S. No. 7738-v. S. No. W-1219.)

On October 4, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 79 cases of salmon remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by R. V. Anderson from Seldovia, Alaska, on or about August 25, 1922, and transported from the Territory of Alaska into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Case) "Med. Red N. P."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the statement "Med. Red," appearing on the labels of the said cases, was false and misleading and deceived and misled the purchaser.

On February 16, 1924, the Seldovia Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered, finding the product to be adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$395, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion under the supervision of this department and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12528. Misbranding of olive oil. U. S. v. 42 Cans, et al., of Olive Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16071. I. S. Nos. 5545-t, 5546-t, 5547-t. S. No. E-3791.)

On February 28, 1922, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 42 gallon cans, 12 half-gallon cans, and 90 quart cans of olive oil, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by Poletti & Co. from New York, N. Y., on or about July 7, 1921, and had been transported from the State of New York into the State of Rhode Island, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Mariani Pure Olive Oil Surfine * * * Contains One Gallon Full

Measure" (or "Contains Half Gallon Full Measure" or "Contains One Quart Full Measure").

Misbranding of the article was alleged in the libel for the reason that the various-sized cans containing the article bore the respective statements, to wit, "Contains One Gallon Full Measure," "Contains Half Gallon Full Measure," and "Contains One Quart Full Measure," which were false and misleading and deceived and misled the purchaser into the belief that each of the said cans contained 1 gallon, $\frac{1}{2}$ gallon, or 1 quart of the said article, as the case might be, when they did not, being short in volume. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 21, 1924, Poletti & Co., New York, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$260, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12529. Adulteration and misbranding of butter. U. S. v. 71 Tubs of Butter. Decree of condemnation. Product released under bond.
(F. & D. No. 18840. I. S. No. 15494-v. S. No. E-4914.)

On July 8, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 71 tubs of butter remaining in the original unbroken packages at Boston, Mass., consigned June 23, 1924, alleging that the article had been shipped by the Lincoln Creamery Co., Lincoln, Vt., and transported from the State of Vermont into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the name of another article, to wit, butter.

On July 11, 1924, the Goldsmith-Stockwell Co., Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12530. Adulteration and misbranding of oats. U. S. v. 250 Sacks and 250 Sacks of Oats. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled and reconditioned.
(F. & D. Nos. 18646, 18647. I. S. Nos. 18046-v, 18047-v, 18072-v. S. Nos. E-3920, E-3924.)

On May 9, 1924, the United States attorney for the Western District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 500 sacks of oats, in part at Abbeville, S. C., and in part at Greenville, S. C., alleging that the article had been shipped by Embury E. Anderson from Memphis, Tenn., in part April 19 and in part April 22, 1924, and transported from the State of Tennessee into the State of South Carolina, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Bleached White Oats Recleaned." The remainder of the said article was labeled in part: "Daisy Mixed Oats Other grains recleaned and bleached," the words "Daisy Mixed Oats" being in large type and the words "Other grains" being in small, inconspicuous type.

Adulteration of the article was alleged in the libels for the reason that substances, to wit, screenings, added water, and salt, with respect to a portion of the article, and substances, to wit, oat screenings, salt, and excess moisture,

with respect to the remainder thereof, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the designation, "Bleached White Oats Recleaned," with respect to a portion of the article, and the designation, "Daisy Mixed Oats * * * recleaned," with respect to the remainder thereof, were false and misleading and deceived and misled the purchaser, and the statement, "Other Grains," appearing in the labeling of a portion of the article, did not correct the misleading impression. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 3, 1924, Embury E. Anderson, Memphis, Tenn., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be dried down to 13 per cent moisture or under and that the sacks be correctly labeled as to the contents and weight.

HOWARD M. GORE, *Secretary of Agriculture.*

12531. Adulteration and misbranding of butter. U. S. v. Davidson County Creamery Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 17516. I. S. No. 8191-t.)

On May 21, 1922, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Davidson County Creamery Co., a corporation, Lexington, N. C., alleging shipment by said company, in violation of the food and drugs act as amended, on or about May 21, 1922, from the State of North Carolina into the State of Georgia, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Piedmont Pure Creamery Butter * * * One Pound Net Davidson County Creamery Co. Lexington, N. C."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained excessive water and was deficient in fat. Examination by said bureau showed that the average net weight of 110 packages was 15.75 ounces.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and strength, for the further reason that a substance, to wit, added water, had been substituted in part for creamery butter, which the article purported to be, and for the further reason that a valuable constituent thereof, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the statements, to wit, "Pure Creamery Butter" and "One Pound Net," borne on the packages containing the article, were false and misleading in that the said statements represented that the article consisted wholly of pure creamery butter and that each of the packages contained 1 pound net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of pure creamery butter and that each of the packages contained 1 pound net of the article, whereas, in truth and in fact, it did not consist wholly of pure creamery butter but did consist of a product deficient in butterfat and [which] contained an excessive amount of water, and each of the said packages did not contain 1 pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 28, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

12532. Adulteration of shell eggs. U. S. v. George E. Butler. Plea of guilty. Fine, \$100. (F. & D. No. 17418. I. S. No. 8851-t.)

On June 26, 1922, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George E. Butler, Greensboro, N. C., alleging shipment by said defendant, in violation of the food and drugs act, on or about June 26, 1922, from the State of North Carolina into the State of Virginia, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From G. E. Butler * * * Greensboro, No. Carolina."

Examination by the Bureau of Chemistry of this department of 1,080 eggs from the consignment showed that 145, or 13.4 per cent of those examined, were inedible eggs, consisting of black rots, mixed rots, moldy eggs, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that the article consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On June 2, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

HOWARD M. GORE, *Secretary of Agriculture.*

12533. Adulteration of shell eggs. U. S. v. Alexander K. Moore, Ova S. Moore, and Harrison L. Moore (A. K. Moore & Sons). Pleas of guilty. Fine, \$50 and costs. (F. & D. No. 17805. I. S. No. 4534-v.)

On January 8, 1924, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Alexander K. Moore, Ova S. Moore, and Harrison L. Moore, copartners, trading as A. K. Moore & Sons, Belleville, W. Va., alleging shipment by said defendants, in violation of the food and drugs act, on or about July 15, 1923, from the State of West Virginia into the State of Pennsylvania, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,440 eggs from the consignment showed that 76, or 5.2 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that the article consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On January 8, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12534. Adulteration of shell eggs. U. S. v. James A. Eggleston (The Redfront Produce Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 18307. I. S. No. 6936-v.)

On May 5, 1924, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James A. Eggleston, trading as the Redfront Produce Co., Kingfisher, Okla., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 6, 1923, from the State of Oklahoma into the State of Texas, of a quantity of shell eggs which were adulterated. The article was labeled in part: "The Redfront Pro. Co. Kingfisher, Okla."

Examination by the Bureau of Chemistry of this department of 1,080 eggs from the shipment showed that 184, or 17 per cent of those examined, were inedible eggs, consisting of mixed or white rots and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that the article consisted in whole or in part of a filthy and putrid and decomposed animal substance.

On May 5, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12535. Adulteration of canned salmon. U. S. v. 2,995 Cases of Canned Salmon. Tried to the court and jury. Verdict for the Government. Decree of condemnation and forfeiture. Product released under bond to be sorted. (F. & D. No. 14945. I. S. No. 10612-t. S. No. W-950.)

On May 17, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2,995 cases of canned salmon remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Alaska Herring and Sardine Co. from Port Walter, Alaska, to Anacortes, Wash., arriving between the dates of June 28 and November 7, 1919, and had been reshipped to Seattle, August 3, 1920, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Hypatia Brand Pink Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On March 13, 1924, A. O. Anderson & Co., Seattle, Wash., having appeared as claimant for the property, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel the court delivered the following charge to the jury (Cushman, D. J.):

"Gentlemen of the jury, you have heard the evidence in the case, and the arguments. It is the duty of the Court now to instruct you regarding the law. The task devolving upon the Court has been much lightened by the thorough and exhaustive manner in which the case has been tried and has been argued. You will take out the pleadings in the case with you, when you go to your jury room. These pleadings consist of the libel filed by the United States attorney, and the answer filed by the claimant. You understand this suit is against this particular parcel of salmon. The client of Mr. McCord and Mr. Shackelford interposes a claim to it, and, claiming to be the owner, is allowed to defend the salmon; but what you are trying in this case is this parcel of salmon.

"The libel filed by the United States attorney alleges that this salmon was shipped in interstate commerce from Alaska to the State of Washington; alleges that it is adulterated; alleges that it was adulterated at the time that it was shipped in interstate commerce; and prays its condemnation.

"The answer of the claimant admits that it was shipped from Alaska to the State of Washington; denies that it was adulterated.

"Your verdict in this case will not be 'guilty' unless a fair preponderance of the evidence has shown that it was adulterated within the meaning of this law.

"Adulteration' or 'adulterated' is about the only word that occurs to me in this law that requires a definition at the hands of the Court. The other words used in the statute are words of ordinary meaning and are used in their ordinary sense, but this statute defines an adulterated article of food about as follows, that is, an article of food is adulterated when it consists, in whole or in part, of filthy, decomposed, or putrid animal substance, making it unfit for human food; and before your verdict can be 'guilty' in this case, or before it should be 'guilty' in this case, you will have to find that there was a fair preponderance of the evidence showing that it was either filthy, decomposed, or putrid to an extent that rendered it unfit for human food.

"It may be that decomposition begins as soon as life ends, but a food product, this canned fish product, is not decomposed within the meaning of this law at that early stage. 'Decomposed' in this law does not mean the beginning of decomposition; it means the state of decomposition that renders the article of food unfit for human food. 'Decomposed' within this law does not mean that it shall have reached such an advanced state of decomposition that it is resolved to its elements, that it has ceased really to be flesh. Regarding this expression 'unfit for food,' the Court does not undertake to enumerate all of the things that you might take into account in determining whether an article is fit or unfit for food.

"The evidence in this case has taken a wide range. You are not to understand from that fact that you are trying either the packers or the Bureau of Chemistry; you are trying this particular parcel of fish to determine whether

it is filthy, decomposed, or putrid to an extent rendering it unfit for food. This evidence regarding the manner in which the fish was packed, the conditions under which it was packed, and much of the other testimony in the case was to enable you to determine whether it was reasonably probable that it was a fit food product if it was put up in the manner described. In other parts of the testimony, witnesses have been examined and cross-examined about their experience and what they had done and what they had not done. Now, much of that testimony went into the case so that you might determine the value of their opinions from their experience and their interest, if any, in the case.

"Now, coming back again to the question of the fitness or unfitness of this fish for food: In order to be unfit for food, within the meaning of this law, it would not be sufficient if you found some one person with an appetite so pampered and cloyed with delicacies as to become so fastidious that he would turn up his nose at a can of salmon; that would not be sufficient to condemn it. Neither would it be sufficient to sanction and warrant its being carried in interstate commerce, if you found somebody so hungry that he would eat it. 'Unfit for food' here in this statute means reasonably unfit for food.

"The evidence in the case regarding the fact, if it be a fact, that salmon may be stale, tainted, or decomposed without being an injurious food, you will understand that the fact that it is not injurious does not make it fit for food, if it is so decomposed as to be unfit for food. The fact regarding whether it would injure the person eating it or not was admitted in the case, as you can understand that if an article of food in a certain condition was deadly, as you have heard of mushrooms—I do not undertake to say that they are deadly—but if an article of food was deadly and you could not determine, before eating it, whether it was deadly or not, you would understand that such an article of food would be unfit for human food on a certain percentage of the impurity or conditions that rendered it deadly, when another article of food that was perfectly harmless and could be easily detected would not be unfit for human food, measured by those standards alone. It is a matter of common knowledge that in determining whether an article is fit for food or appropriate for food, that you take into account whether it is harmful or not, you take into account whether it has food value, whether it satisfies your hunger, whether it builds up the wasted tissues that are exhausted because of a lack of food, and to a certain extent you take into account whether it pleases the taste. Now, what value you are going to place upon these different things that will be taken into account in measuring the fitness of this or any article of food, is for you to determine, not the Court.

"I believe I have instructed you that before you could find a verdict of 'guilty,' that you must be able to find, from a fair preponderance of the evidence, that this salmon was either filthy, decomposed, or putrid to an extent rendering it unfit for human food. Now, where a parcel of food has been tested, where the tests that have been made do not extend to the entire parcel, it is nevertheless necessary that the preponderance of the evidence should have shown that the adulteration extends to the whole product sought to be condemned before your verdict would be 'guilty.' It might be that a small percentage of adulteration in a small percentage of samples taken from such a product would not amount to a fair preponderance of the evidence, where an adulteration of a large percentage of the product would establish that fact.

"The thing that is charged is that this was an adulterated article of food when it was shipped in interstate commerce. That is necessary. But there has been no particular contention made here, either under the evidence or the arguments, that the fish is in any different condition now, or at the time it was examined here in Seattle, than it was when it was shipped.

"You are in this case, as in every case where questions of fact are tried to the jury, the sole and exclusive judges of every question of fact in the case and the weight of the evidence and the credibility of the witnesses. In weighing the evidence and measuring the credit of the witnesses who have appeared before you and testified, the law does not undertake to point out all of the things that you may take into question in measuring such credit of such witnesses. You are authorized to consider any and everything that as men of experience you have found to be of value in measuring where the truth lies, from human testimony and human transactions. The law does say that you should observe and weigh the appearance and conduct and demeanor of the witnesses who have come before you and testified; whether from their manner of giving their testimony it created a belief in your minds that they

were doing their utmost to tell you the exact truth as they understood it or saw it; whether some of them may have been reluctant and evasive and kept trying to get away from the question, creating the belief in your minds that they were trying to keep from telling you the straight of it, or whether other witnesses may have appeared to you to be willing, trying repeatedly to get something into the case that nobody had asked for—what the law calls a 'swift' witness; also take into account the situation in which the witness is placed, as enabling the witness to know the exact facts, as one witness, by reason of his experience and by reason of his situation in regard to the transactions about which he is testifying, might be in a much better position to tell the exact truth than another one who was just as much inclined to tell you the truth as the first; also take into account the reasonableness and probability of the testimony of each witness, in view of the circumstances, whether it appears to be reasonable and probable or whether it appears unreasonable and unlikely; take into account the interest that any witness may have been shown to have in the case, an interest either as shown by the manner in which the witness gave his testimony or as shown by the relation of the witness to the case and the matters therein involved.

"The Court has, in the course of the instructions, used the expression 'preponderance of the evidence.' Preponderance of the evidence is the greater weight of the evidence. That evidence preponderates which so appeals to your experience and reason and intelligence as to create and induce a belief in your minds, and, if there is a dispute in the evidence, that evidence preponderates which is so strong in these particulars as to create and induce a belief in your minds, in spite of what is opposed to it in the way of evidence or assaults that have been made upon it in the way of argument.

"There was something said, I believe, in argument, regarding the care taken in putting up this fish. For fear that you may not yet understand the rule of law on that matter: if this fish is decomposed to the extent that it is not reasonably fit for food and the fair preponderance of the evidence shows that fact, the verdict should be 'guilty,' no matter how it came about—its decomposition. If it came about in spite of the care taken in putting it up, or if some malicious person brought it about, that does not make any difference. You are trying this article of food. If it is so decomposed as not to be reasonably fit for food, the verdict should be 'guilty.' If a fair preponderance of the evidence has not shown that fact, your verdict should be 'not guilty.'

"Is there anything further, gentlemen?"

MR. McCORD: "We except to that portion of Your Honor's instructions as to the preponderance of the testimony. The burden of proof is on the Government to show, by a fair preponderance of the testimony, Your Honor stated, that the allegations of the libel were supported. This is an action in the nature of forfeiture of property, and I think the instruction should have been that the allegations of the libel must be established, not only by a fair preponderance of the evidence, but that the evidence should be clear and convincing."

THE COURT: "Exception allowed."

MR. McCORD: "I also except to Your Honor's failure and refusal to give the first instruction requested by the claimant."

THE COURT: "Exception allowed."

MR. McCORD: "The claimant also excepts to Your Honor's refusal to give the second instruction requested."

THE COURT: "Exception allowed."

MR. McCORD: "The claimant excepts to Your Honor's refusal to give the third instruction requested by the claimant."

THE COURT: "Exception allowed."

MR. McCORD: "The claimant excepts to Your Honor's refusal to give the fourth instruction requested by the claimant."

THE COURT: "Exception allowed."

MR. McCORD: "The claimant excepts to the action of the Court in refusing to give the fifth instruction requested by the claimant."

THE COURT: "Exception allowed."

MR. McCORD: "The claimant excepts to the refusal of the Court to give the sixth instruction requested by the claimant."

THE COURT: "Allowed."

MR. McCORD: "The claimant excepts to the action of the Court in refusing to give the seventh instruction requested by the claimant."

THE COURT: "Allowed."

MR. McCORD: "The claimant excepts to the refusal of the Court to give the eighth instruction requested by the claimant."

THE COURT: "Exception allowed."

MR. McCORD: "The claimant excepts to the refusal of the Court to give the ninth instruction requested by the claimant."

THE COURT: "Exception allowed."

MR. McCORD: "The claimant excepts to the action of the Court in refusing to give to the jury the tenth instruction requested by the claimant."

THE COURT: "Exception allowed."

MR. McCORD: "The claimant excepts to the action of the Court in refusing to give the eleventh instruction requested by the claimant."

THE COURT: "I will allow an exception. I think I covered that."

MR. McCORD: "The claimant excepts to the action of the Court in refusing to give the twelfth instruction requested."

THE COURT: "I think that has been covered. You are allowed an exception, however."

MR. McCORD: "The claimant excepts to the failure of the Court, in final instructions of the Court, to give the thirteenth instruction requested by the claimant."

THE COURT: "I will give that instruction, since something has been said about it in the course of the trial."

"In your deliberations, you will not consider the question as to whether or not the salmon involved in this controversy can or can not be reconditioned. The reconditioning of the salmon is not within the issues in this case."

"Are there any exceptions?"

MR. HILL: "If the Court please, the Government excepts to the Court's refusal to give the libellant's first requested instruction."

THE COURT: "Exception allowed."

MR. HILL: "The libellant excepts to the Court's refusal to give the second requested instruction."

THE COURT: "Exception allowed."

MR. HILL: "The libellant excepts to Your Honor's refusal to give the libellant's third requested instruction."

THE COURT: "Exception allowed."

MR. HILL: "The libellant excepts to Your Honor's refusal to give the libellant's fourth requested instruction."

THE COURT: "Exception allowed."

MR. HILL: "The libellant excepts to Your Honor's refusal to give the libellant's fifth requested instruction."

THE COURT: "Exception allowed."

MR. HILL: "And the libellant excepts to Your Honor's refusal to give the libellant's sixth requested instruction."

THE COURT: "Exception allowed."

MR. HILL: "The libellant further excepts to that portion of Your Honor's instructions in which it is stated that the issue is whether or not this salmon consists, in whole or in part, of filthy, decomposed, or putrid animal substance, and stating, in addition to that, 'unfit for food.'"

THE COURT: "'Making it.'"

MR. HILL: "Making it unfit for food."

THE COURT: "Exception allowed."

"Gentlemen, in the progress of the case, the Court, as evidence came in, instructed you regarding the purpose for which it was admitted. Many of those instructions I have not repeated to you in the charge I have just given you. It is your duty to bear in mind the instructions the Court gives you in the progress of the trial, as well as those that are given at the conclusion."

"The form of verdict as prepared reads: 'We, the jury in the above-entitled cause, find the respondent 2995 Cases Canned Salmon Labeled in Part "Hypathia Brand Pink Salmon," ——— guilty as charged in the libel of information filed herein.' If you find this salmon guilty under the evidence and instructions you will write in the blank the word 'is.' If you find the salmon not guilty, you will write the word 'not' in there and have your foreman sign it."

"Is a sealed verdict agreed to if the jury agree after five o'clock?"

MR. McCORD: "Yes."

MR. HILL: "That is satisfactory, Your Honor."

THE COURT: "You understand, gentlemen, the method of returning a sealed verdict. If you agree before five o'clock, you will advise the bailiff of the fact."

that you have agreed and come into court with your verdict. If you agree after five o'clock, you will complete your verdict, seal it up, leave it with your foreman, and report here with your verdict at ten o'clock tomorrow morning. "You may now retire."

The jury then retired and after due deliberation returned a verdict for the Government.

On July 7, 1924, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion and the latter destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12536. Adulteration and misbranding of apples. U. S. v. Roland R. Singer and Morris L. Gaskill (Singer & Gaskill). Pleas of guilty. Fine, \$75. (F. & D. No. 16341. I. S. Nos. 6044-t, 6045-t, 6046-t, 6047-t.)

On February 13, 1923, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Roland R. Singer and Morris L. Gaskill, copartners, trading as Singer & Gaskill, Wilson, N. Y., alleging shipment by said defendants in violation of the food and drugs act as amended, on or about March 4, 1922, from the State of New York into the State of Pennsylvania, of quantities of apples which were adulterated and misbranded. The article was labeled in part: (Barrel) "New York Standard A Grade" and "Min. 2½ Inch," "Min. Size 2½," and "Min. Size 2½ In.," as the case might be. A portion of the barrels were further labeled, "Standard Barrel," and another portion bore no statement of the net contents of the said barrels.

Examination of the article by the Bureau of Chemistry of this department showed that the barrels contained many apples under the size declared on the labels and that a portion of the barrels contained apples infested with insects.

Adulteration of the article was alleged in the information for the reason that apples of a lower grade and quality than New York Standard A Grade and less than 2½ inches in diameter each had been substituted in part for New York Standard A Grade apples 2½ inches in diameter, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "New York Standard A Grade Min. Size 2½ In.," borne on the barrels containing the article, was false and misleading in that the said statement represented that the barrels contained only New York Standard A Grade apples at least 2½ inches in diameter each, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said barrels contained only New York Standard A Grade apples at least 2½ inches in diameter each, whereas, in truth and in fact, they did not, but contained in part apples of a lower grade and quality than New York Standard A Grade apples, and said barrels did contain in part apples less than 2½ inches in diameter each. Misbranding was alleged with respect to a portion of the article for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 13, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$75.

HOWARD M. GORE, *Secretary of Agriculture.*

12537. Adulteration and misbranding of butter. U. S. v. 36 Tubs, et al., of Butter. Consent decrees of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. Nos. 18880, 18881, 18882, 18883. I. S. Nos. 12864-v, 13187-v, 13258-v, 13259-v. S. Nos. E-4896, E-4897, E-4898, E-4899.)

On July 25, 1924, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 129 tubs of butter remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Harry H. Redfearn Co. from Chicago, Ill., July 10, 1924, and transported

from the State of Illinois into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, butter.

On August 19, 1924, the Harry H. Redfearn Co., Chicago, Ill., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$3,079.10, in conformity with section 10 of the act, conditioned in part that it be reworked and reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12538. Misbranding of Dr. DeWitt's Eclectic Cure. U. S. v. 6 Dozen Bottles of Dr. DeWitt's Electric [Eclectic] Cure. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16475. S. No. E-3987.)

On June 27, 1922, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 dozen bottles of Dr. DeWitt's Electric [Eclectic] Cure remaining in the original unbroken packages at Panama City, Fla., alleging that the article had been shipped by the W. T. Parker Co., Baltimore, Md., on or about March 21, 1922, and transported from the State of Maryland into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of volatile oils, including peppermint and sassafras oils, spices, including capsicum and ginger, ether, 67 per cent of alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent in that no ingredients contained in the article were capable of producing the effects claimed, to wit: (Bottle label): "Cure * * * For Cramps, Colic and Diarrhoea * * * Indigestion * * * Horse Colic;" (carton) "Cure * * * for Indigestion, Diarrhoea, Cramps, Cramp Colic, Neuralgia, Headache, Toothache, Sore Throat, &c. * * * Cholera Morbus * * * Rheumatism and Pains generally * * * Sprains or Frosted Feet."

On December 11, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12539. Adulteration and misbranding of prepared mustard. U. S. v. 13 Barrels of Prepared Mustard. Decree of condemnation and forfeiture. Product released to claimant upon payment of costs. (F. & D. No. 18815. I. S. No. 16133-v. S. No. E-4877.)

On July 8, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 13 barrels of prepared mustard, consigned by A. Luedemann (Inc.), New York, N. Y., remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from New York, N. Y., on or about January 24, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Barrel) "Prepared Mustard."

Adulteration of the article was alleged in the libel for the reason that a substance, mustard bran, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement appearing in the label, "Prepared Mustard," was false and misleading and for the further reason that it was offered for sale under the distinctive name of another article.

On August 19, 1924, the Greenet Packing Co., Philadelphia, Pa., having appeared as claimant, and the property having been theretofore properly relabeled, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12540. Misbranding of cottonseed meal. U. S. v. 300 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18817. I. S. No. 2365-v. S. No. E-4881.)

On July 9, 1924, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 sacks of cottonseed meal remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Frederick Cotton Oil Mfg. Co., Frederick, Okla., alleging that the article had been shipped from Frederick, Okla., June 2, 1924, and transported from the State of Oklahoma into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tag) "Weight 100 Pounds Net 'Chickasha Prime' Cottonseed Cake or Meal * * * Guaranteed Analysis: Protein not less than 43 per cent."

Misbranding of the article was alleged in the libel for the reason that the statements, "100 Pounds Net." "Guaranteed Analysis: Protein not less than 43 per cent," were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 29, 1924, the Chickasha Cotton Oil Co., Chickasha, Okla., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceeding and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be relabeled as containing 39 per cent of protein, together with the correct weight.

HOWARD M. GORE, *Secretary of Agriculture.*

12541. Misbranding of olive oil. U. S. v. Lekas & Drivas, a Corporation. Plea of guilty. Fine, \$80. (F. & D. No. 16553. I. S. Nos. 5492-t, 10772-t, 11163-t, 11164-t.)

On November 11, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lekas & Drivas, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act as amended, from the State of New York, on or about May 14, 1921, into the State of Massachusetts, on or about May 16, 1921, into the State of Utah, and on or about July 13, 1921, into the State of Colorado, of quantities of olive oil which was misbranded. The article was labeled in part: (Can) "Net Contents $\frac{1}{2}$ Gall." (or "Net Contents $\frac{1}{4}$ Gall.") "Pure Olive Oil * * * Lekas & Drivas New York U. S. A."

Examination by the Bureau of Chemistry of this department of samples taken from each of the consignments showed that the said cans contained less than the quantities declared on the respective labels.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Net Contents $\frac{1}{2}$ Gall." and "Net Contents $\frac{1}{4}$ Gall.," borne on the respective sized cans containing the article, were false and misleading in that the said statements represented that the cans contained $\frac{1}{2}$ gallon or $\frac{1}{4}$ gallon, net, of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained $\frac{1}{2}$ gallon or $\frac{1}{4}$ gallon, net, of the said article, as the case might be, whereas, in truth and in fact, the said cans did not contain the amounts declared on the respective labels, but did contain less amounts. Misbranding was alleged for the further reason that

the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On August 15, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$80.

HOWARD M. GORE, *Secretary of Agriculture.*

12542. Adulteration of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 18850. I. S. No. 13185-v. S. No. E-4880.)

On July 14, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 tubs of butter remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Wesley Farmers Creamery Co. from Wesley, Iowa, June 28, 1924, and transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

On August 8, 1924, the Farmers' Co-operative Creamery Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12543. Misbranding of oysters. U. S. v. John C. Walker, Wade H. Walker, and William E. Walker (J. C. Walker & Bros.). Pleas of guilty. Fine, \$75. (F. & D. No. 17517. I. S. Nos. 5453-v, 5454-v, 5455-v.)

At the November, 1923, term of the United States District Court within and for the Eastern District of Virginia, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against John C. Walker, Wade H. Walker, and William E. Walker, copartners, trading as J. C. Walker & Bros., Exmore, Va., alleging shipment by said defendants. in violation of the food and drugs act as amended, in various consignments, namely, on or about December 9, December 15, and December 18, 1922, respectively, from the State of Virginia into the State of Minnesota, of quantities of oysters which were misbranded. The article was labeled in part: (Can) "Virginia Seaside Oysters Minimum Volume 1 Gallon."

Examination of the article by the Bureau of Chemistry of this department showed that the said cans measured contained from 0.93 to 0.97 gallon of oysters.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Minimum Volume 1 Gallon," borne on the cans containing the said article, was false and misleading in that the said statement represented that each of the cans contained not less than 1 gallon of oysters and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 gallon of oysters, whereas, in truth and in fact, each of the cans contained less than 1 gallon of oysters. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 13, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$75.

HOWARD M. GORE, *Secretary of Agriculture.*

12544. Misbranding of Nunn's Black Oil Healing Compound. U. S. v. 12 Packages, et al., Nunn's Black Oil Healing Compound. Default decrees of condemnation, forfeiture, and destruction. F. & D. Nos. 16099, 16106. I. S. No. 14431-t. S. Nos. W-1063, W-1071.)

On April 13 and April 17, 1922, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of

Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 38 small packages and 94 large packages of Nunn's Black Oil Healing Compound remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Dr. Nunn's Black Oil Co. from Salt Lake City, Utah, in various consignments, namely, in part during the year 1918 and in part on the respective dates of September 22 and October 26, 1921, and transported from the State of Utah into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a mixture of a sulphureted vegetable oil and kerosene.

Misbranding of the article was alleged in the libels for the reason that the following statements, appearing in the labeling, (label, small and large sizes) "A Safe, Speedy, Reliable Relief for * * * Fistulas, Withers, Poll Evil, * * * Scalded Heads on Children, Skin Eruptions, also Colic * * * Coughs and Distemper in Horses and Cattle, Roup in Chickens, etc.," (label, large size, additional) "Coughs * * * and Colic, one ounce every three hours is the usual effective dose * * * Colic * * * Ninety per cent of cases are cured in twenty minutes; then quit," (circular, both sizes) Teamster's Safeguard * * * Horse Coughing * * * Horse got Distemper, Pink Eye, etc. * * * Horse got Colic, * * * Chicken got Roup * * * Stallions, give on tongue * * * during season * * * Get well acquainted with the workings of this medicine * * * and remember anything on man or beast that has a sore of any description. The Black Oil Is Your Doctor try it and be convinced * * * Don't Let Your Chickens Die With Avian Diphtheria Known as Chicken Roup * * * While Avian Diphtheria is entirely different from the human form, cases are recorded where children have contracted serious and even fatal sore throat from this source. * * * Don't waste any time. Catch the fowl and give half teaspoonful to each chicken diseased in mouth, and smear the whole head, once a day, for three days with Dr. Nunn's Black Oil Healing Compound," were false and fraudulent in that the said article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On August 12, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12545. Misbranding and alleged adulteration of red kidney beans. U. S. v. 20 Cases, More or Less, of Kidney Beans et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12153, 12154, 12155, 12156, 12157. I. S. Nos. 8318-r, 8316-r, 8317-r, 8318-r, 8574-r. S. Nos. C-1720, C-1721, C-1722, C-1727, C-1733.)

On February 16, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 196 cases of kidney beans, in part at Chicago, Ill., and in part at Lasalle, Ill., alleging that the article had been shipped by George Van Camp & Sons Co. from Westfield, Ind., between the dates of September 17 and December 24, 1919, and transported from the State of Indiana into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that long cranberry beans had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in whole or in part for red kidney beans.

Misbranding was alleged in substance for the reason that the statements, to wit, "Geo. Van Camp's Red Kidney Beans Contents 1 Lb. 4 Oz. Packed by Geo. Van Camp & Sons Co., Westfield, Ind.," appearing on the cases and cans containing the article, were false and misled and deceived the purchaser in that they represented that the said article was red kidney beans, whereas, in truth and in fact, the said cases and cans contained long cranberry beans. Misbranding was alleged for the further reason that the article was an imitation of and sold under the distinctive name of another food product, to wit, red kidney beans.

On July 15, 1924, default decrees were entered, condemning the product as being misbranded and ordering its forfeiture and destruction, and it was further ordered by the court that costs should be assessed against the claimant, the George Van Camp & Sons Co.

HOWARD M. GORE, *Secretary of Agriculture.*

12546. Misbranding of cottonseed meal. U. S. v. 130 Bags of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18291. I. S. No. 13707-v. S. No. E-4719.)

On February 11, 1924, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 130 bags of cottonseed meal remaining in the original unbroken packages at Hanover, Pa., alleging that the article had been shipped by the Eastern Cotton Oil Co. from Hertford, N. C., on or about November 19, 1923, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured By Eastern Cotton Oil Company Elizabeth City, N. C. Guarantee Protein not less than 41.00%. Equivalent to Ammonia 8.00%."

Misbranding of the article was alleged in the libel for the reason that the label bore statements regarding the article and the ingredients and substances contained therein, to wit, "100 Lbs. Net * * * Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%," which were false and misleading and deceived and misled the purchaser in that the article contained less than 41 per cent of protein, equivalent to 8 per cent of ammonia. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 9, 1924, the West Manheim United Farmers Assoc., Hanover, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product be relabeled under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12547. Misbranding of olive oil. U. S. v. 8 Cans, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 17213, 17214. I. S. Nos. 2616-v, 2617-v, 2618-v. S. Nos. E-4288, E-4289.)

On January 22, 1923, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 8 cans, each purporting to contain $\frac{1}{2}$ gallon, and 59 cans, each purporting to contain 1 quart, of olive oil, remaining in the original unbroken packages in part at Hazleton, Pa., and in part at Berwick, Pa., alleging that the article had been shipped by Rocco Perretta Co., Utica, N. Y., in two consignments, namely, on or about November 17 and November 18, 1922, respectively, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Olio d'Oliva Puro Sopraffino Aurora Brand One Quart Net (or "Half Gallon Net") Rocco Perretti Co."

Misbranding of the article was alleged in the libels for the reason that the statements, "One Quart Net," and "Half Gallon Net," appearing on the respective sized cans containing the article, were false and misleading and deceived and misled the purchaser in that the said cans contained less than 1 quart net or one-half gallon net, as the case might be, of the said article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements made were not correct.

On August 24, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal, after obliterating the statements as to the net contents of the respective-sized cans.

HOWARD M. GORE, *Secretary of Agriculture.*

12548. Misbranding of olive oil. U. S. v. 4 Cases and 23 Cans of Olive Oil. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 17152, 17263. I. S. Nos. 284-v, 2322-v. S. Nos. E-4280, E-4287.)

On January 16 and 22, 1923, respectively, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 4 cases and 23 cans of olive oil remaining in the original unbroken packages in part at Scranton, Pa., and in part at Pittston, Pa., alleging that the article had been shipped by B. J. Spiropoulos, from New York, N. Y., the former on or about September 27, 1922, and the latter on or about November 28, 1922, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Imported Pure Olive Oil Olio d'Oliwa Importato Marca Irrendenta Net contents 1 Gal. (or "Net Contents $\frac{1}{2}$ Gal.") B. J. Spiropoulos N. Y. Importer Packer."

Misbranding of the article was alleged in the libels for the reason that the statements, to wit, "Net Contents 1 Gal." and "Net Contents $\frac{1}{2}$ Gal.," borne on the respective-sized cans containing the said article, were false and misleading and deceived and misled the purchaser in that the said cans contained less than 1 gallon, or less than $\frac{1}{2}$ gallon of the article, as the case might be. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On August 24, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be sold by the United States marshal, after obliterating the respective statements as to the net contents.

HOWARD M. GORE, *Secretary of Agriculture.*

12549. Adulteration of canned sardines. U. S. v. 49 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17104. I. S. No. 2607-v. S. No. E-4257.)

On January 4, 1923, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 49 cases of sardines remaining in the original unbroken packages at Shamokin, Pa., alleging that the article had been shipped by the Columbian Canning Co. from Lubec, Me., on or about October 28, 1922, and transported from the State of Maine into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Columbian Brand American Sardines in Cottonseed Oil Packed at Lubec, Wash'n Co. Me. By Columbian Canning Co."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On August 27, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12550. Misbranding of tankage. U. S. v. Albert F. Rees. Plea of guilty. Fine, \$50. (F. & D. No. 17611. I. S. Nos. 1362-v, 1363-v.)

On October 16, 1923, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert F. Rees, Hanover, Pa., alleging shipment by said defendant, under the name of W. M. Roland, on or about January 10, 1923, from the State of Pennsylvania into the State of Virginia, and on or about January 23, 1923, from the State of Pennsylvania into the State of West Virginia, of

quantities of tankage which was misbranded. The article was labeled in part: (Sack) "100 Lbs. Rees' Pure High Protein Tankage Protein 49.25%."

Analysis by the Bureau of Chemistry of this department of a sample taken from each of the consignments showed that the article contained approximately 43.93 per cent and 44.85 per cent, respectively, of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Protein 49.25%," borne on the sacks containing the said article, was false and misleading in that the said statement represented that the article contained not less than 49.25 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 49.25 per cent of protein, whereas, in truth and in fact, it did contain less than 49.25 per cent of protein, the consignments containing approximately 43.93 per cent and 44.85 per cent of protein, respectively.

On October 16, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

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¹Contains instructions to the jury by the court

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United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12551-12600

[Approved by the Secretary of Agriculture, Washington, D. C., January 12, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

12551. Misbranding of molasses feed. U. S. v. Grain Belt Mills Co., a Corporation. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 17704. I. S. No. 10455-v.)

On February 15, 1924, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Grain Belt Mills Co., a corporation, St. Joseph, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about November 3, 1922, from the State of Missouri into the State of Kentucky, of a quantity of molasses feed which was misbranded. The article was labeled in part: (Tag) "Tiger Alfalfa Molasses Feed Made by Grain Belt Mills Co. So. St. Joseph, Mo. Guaranteed Analysis Protein 10.00 Per Cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said sample contained 8.07 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 10.00 Per Cent," borne on the tags attached to the sacks containing the said article, was false and misleading in that the said statement represented that the article contained not less than 10 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 10 per cent of protein, whereas, in truth and in fact, it did contain less than 10 per cent of protein, to wit, approximately 8.07 per cent of protein.

On March 15, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12552. Misbranding of cottonseed meal. U. S. v. Eastern Cotton Oil Co., a Corporation. Judgment for the Government. Fine, \$45. (F. & D. No. 17776. I. S. Nos. 1296-v, 1459-v, 2593-v.)

On November 10, 1923, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Eastern Cotton Oil Co., a corporation, Edenton, N. C., alleging shipment by said company, in violation of the food and drugs act, from the State of North Carolina, on or about December 4, 1922, into the State of Maryland, on or about December 11, 1922, into the State of Virginia, and on or about January 2, 1923, into the State of Pennsylvania, of quantities of cottonseed meal which was misbranded. The consignments of December 4, 1922, and January 2, 1923, were labeled in part: (Tag) "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured by Eastern Cotton Oil Company Edenton, N. C., Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00%

* * * Fibre not more than 10.00%." The consignment of December 11, 1922, was labeled in part: (Tag) "Ideal Cotton Seed Meal 100 lbs. net Manufactured By Eastern Cotton Oil Company Elizabeth City, N. C. Guarantee Protein not less than 43.00% Equivalent to Ammonia 8.35%, * * * Fibre not more than 10.00%."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the consignment of December 4, 1922, contained 38.9 per cent of protein, equivalent to 7.56 per cent of ammonia, the consignment of December 11, 1922, contained 40.25 per cent of protein, equivalent to 7.84 per cent of ammonia, and 10.51 per cent of crude fiber, and the consignment of January 2, 1923, contained 37.06 per cent of protein, equivalent to 7.21 per cent of ammonia, and 11.98 per cent of crude fiber.

Misbranding of the article was alleged in substance in the information for the reason that the statement, to wit, "Protein not less than 41.00% Equivalent to Ammonia 8.00%," borne on the tags attached to the sacks containing the product consigned December 4, 1922, the statement, to wit, "Protein not less than 43.00% Equivalent to Ammonia 8.35% * * * Fibre not more than 10.00%," borne on the tags attached to the sacks containing the product consigned December 11, 1922, and the statement, to wit, "Protein, not less than 41.00% Equivalent to Ammonia, 8.00% * * * Fibre, not more than 10.00%," borne on the tags attached to the sacks consigned January 2, 1923, were false and misleading in that the said statements represented that the article contained the respective amounts of protein and ammonia declared on the labels, and that a portion thereof contained not more than 10 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained the respective amounts of protein and ammonia declared on the labels and that a portion of the said article contained not more than 10 per cent of crude fiber, whereas, in truth and in fact, the said article contained less protein and ammonia than was declared on the respective labels, and the said portion contained more than 10 per cent of crude fiber.

On April 17, 1924, the court having determined that the allegations of the information were true, it was adjudged by the court that the defendant company pay a penalty of \$45.

HOWARD M. GORE, *Secretary of Agriculture.*

12553. Adulteration of shell eggs. U. S. v. Smith German. Plea of guilty. Fine, \$25. (F. & D. No. 18309. I. S. No. 699-v.)

At the January, 1924, term of the United States District Court within and for the Eastern District of Virginia, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against Smith German, The Plains, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 26, 1923, from the State of Virginia into the District of Columbia, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 2,880 eggs from the consignment showed that 181, or 6.3 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On July 7, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12554. Adulteration of chili sauce. U. S. v. 396 Cases of Chili Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18490. I. S. No. 12157-v. S. No. W-1496.)

On March 13, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 396 cases of chili sauce, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped from Provo, Utah, on or about February 13, 1924, and transported from the State of Utah into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part:

(Bottle) "Goddard's Extra Chili Sauce * * * Goddard Packing Company, Ogden, Salt Lake City and Provo, Utah."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 12, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12555. Misbranding of ground beef scrap. U. S. v. 150 Sacks of Ground Beef Scrap. Decree ordering release of product under bond. (F. & D. No. 18454. I. S. No. 10599-v. S. No. E-4771.)

On or about March 15, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 150 sacks, more or less, of ground beef scrap, consigned on or about January 23, 1924, remaining in the original unbroken packages at Denton, Md., alleging that the article had been shipped by M. L. Shoemaker & Co. (Inc.) from Philadelphia, Pa., and transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bag) "100 Lbs Shoemaker's Swift-Sure * * * Ground Beef Scrap * * * Manufactured By M. L. Shoemaker & Co Incorporated Philadelphia Pa Guaranteed Analysis Protein 55 65%."

Misbranding of the article was alleged in the libel for the reason that the statement, "Guaranteed Analysis Protein 55 65%," appearing on the labels, was false and misleading and deceived and misled the purchaser in that the said statement represented that the said article contained from 55 to 65 per cent of protein, whereas, in truth and in fact, it contained a less amount.

On April 1, 1924, M. L. Shoemaker & Co. (Inc.), Philadelphia, Pa., having appeared as claimant for the property, judgment of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$900, in conformity with section 10 of the act, conditioned in part that it be relabeled to the satisfaction of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12556. Adulteration and misbranding of oats. U. S. v. 300 Sacks of Oats. Decree of condemnation. Alternate order entered, providing for sale of product or release under bond to claimant. (F. & D. No. 18601. I. S. No. 18037-v. S. No. E-3917.)

On April 19, 1924, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 sacks of oats at Greensboro, N. C., alleging that the article had been shipped by Callahan & Sons, Louisville, Ky., April 12, 1924, and transported from the State of Kentucky into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "Callahan's Electric White Oats Bleached."

Adulteration of the article was alleged in the libel for the reason that a substance, rye and other grains, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Callahan's Electric White Oats Bleached," was false and misleading and deceived and misled the purchaser in that the article purported to be oats, whereas, in truth and in fact, it was not, but was an admixture of oats, rye, and other grains. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, oats.

On May 7, 1924, a decree of condemnation was entered, and it was ordered by the court that the product be sold by the United States marshal, the decree providing, however, that it might be released to the claimant, Callahan & Sons, Louisville, Ky., upon payment of the costs of the proceedings and the execution of a bond in the sum of \$900, in conformity with section 10 of the act, conditioned in part that it be relabeled "Oats and Other Grains."

HOWARD M. GORE, *Secretary of Agriculture.*

12557. Adulteration and misbranding of canned oysters. U. S. v. 9 Cases of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16732. I. S. No. 30-v. S. No. E-4115.)

On August 10, 1922, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cases of oysters at Albany, N. Y., alleging that the article had been shipped by the Hilton Head Packing Co. from Savannah, Ga., on or about July 5, 1922, and transported from the State of Georgia into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Hilton Head Brand Oysters Contains 5 Oz. Oyster Meat * * * Packed by Hilton Head Packing Co. Office: Savannah, Ga. * * * 5 Oz. Oysters."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for oysters represented to be contained in the packages.

Misbranding was alleged for the reason that the statements, "Oysters Contains 5 Oz. Oyster Meat" (with designs showing open oyster) "5 Oz. Oysters," were false and misleading and deceived and misled the purchaser, for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 26, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12558. Misbranding of butter. U. S. v. Swift & Co., a Corporation. Plea of guilty. Fine, \$150 and costs. (F. & D. No. 17928. I. S. No. 11395-v.)

On January 22, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Swift & Co., a corporation, trading at Denver, Colo., alleging shipment by said company, in violation of the food and drugs act, as amended, on or about April 3, 1923, from the State of Colorado into the State of New Mexico, of a quantity of butter which was misbranded. The article was labeled in part: "Brookfield Creamery Butter 1 Lb. Net Weight * * * Swift & Company, U. S. A."

Examination of 96 packages of the article by the Bureau of Chemistry of this department showed that the average net weight of the packages examined was 15.54 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1 Lb. Net Weight," borne on the packages containing the said article, was false and misleading in that the said statement represented that each of said packages contained 1 pound net weight of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net weight of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 8, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12559. Misbranding of Arthur's emmenagogue pills, Thomas' emmenagogue pills, La Derma Vagiseptic discs, Bick's nerve tonic, Arthur's Sextone pills, Bick's Daisy 99, Bick's sarsaparilla compound, and Bick's Sextone pills. U. S. v. 15 Boxes of Arthur's Emmenagogue Pills, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15338. S. Nos. C-3168 to C-3174, incl.)

On August 26, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 boxes of Arthur's emmenagogue pills, 19 boxes of Thomas' emmenagogue pills, 8 boxes of La Derma Vagiseptic discs, 16 boxes

of Bick's nerve tonic, 16 boxes of Arthur's Sextone pills, 5 bottles of Bick's Daisy 99, 7 bottles of Bick's sarsaparilla compound, and 11 boxes of Bick's Sextone pills, remaining in the original packages at Cleburne, Texas, consigned between the dates of September 15, 1917, and August 16, 1920, alleging that the articles had been shipped by the Palestine Drug Co. from St. Louis, Mo., and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Arthur's and Thomas' emmenagogue pills, boxes) "Emmenagogue Pills recommended for Ammenorrhoea, Dysmenorrhoea and other Menstrual Troubles, * * * beginning treatment * * * before the regular monthly period * * * continue * * * until relief is obtained"; (LaDerma Vagiseptic discs) (package) "for * * * Amenorrhoea and other Uterine and Vaginal Disorders," (circular) For * * * Amenorrhoea * * * Ulceration of the Uterus and Catarrh of the Uterus * * * Gonorrhoea"; (Bick's nerve tonic, package) "Nerve Tonic * * * for Nervous Prostration and bodily aches and pains. * * * a nerve * * * tonic * * * for all female complaints * * * for Weakness, Nervousness, Headache, Kidney Trouble and loss of Power in either Sex * * * for female weakness, heart trouble and where a general breakdown of the nervous system exists"; (Arthur's Sextone pills) (package) "Designed to Correct * * * the Evil Results Following Sexual or Alcoholic Excesses, Overwork, Worry, Etc. * * * Sextone Tablets For Either Sex Composed of * * * the Most Potent and Dependable Aphrodisiac Agencies," (circular) "Sextone Tablets * * * cases of exhaustion of nervous energy * * * stimulate * * * the Sexual Plexes * * * nourish the nervous system and build it up"; (Bick's Daisy 99, package) "Bick's Daisy 99 * * * Gonorrhoea Gleet and functional ailments of the Kidneys and Bladder in both Male and Female"; (Bick's sarsaparilla compound) (bottle) "to be taken regularly as long as impurity exists in the blood * * * one of the best remedies in existence for purposes claimed. Remember that constitutional diseases or diseases of long standing cannot be cured in a week or so by any remedy," (wrapper) "for the Treatment of all Diseases due to Impure Blood such as chronic rheumatism, secondary syphilis, scrofula, pimples, boils, Etc * * * is especially and specifically designed to give the greatest possible benefit in the treatment of diseases due to impure and impoverished blood"; (Bick's Sextone pills) "Sextone Pills * * * Composed of * * * Aphrodisiac Agencies."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the La Derma Vagiseptic discs contained salt, alum, starch, milk sugar, and talc; that Bick's nerve tonic consisted of two products—brown tablets containing phosphorus and compounds of zinc and iron, coated with sugar and calcium carbonate, and yellow pellets containing compounds of iron, strychnine, and phosphorus, coated with sugar and calcium carbonate; that Arthur's Sextone tablets contained iron oxide, calcium carbonate, a compound of zinc, and extract of plant drugs, coated with sugar; that Arthur's emmenagogue pills, Leslie's emmenagogue pills, and Thomas' emmenagogue pills contained iron sulphate, aloes, and extract of plant drugs, coated with sugar and calcium carbonate, colored pink; that Bick's Sextone pills consisted of two products—chocolate-colored pills containing a small amount of extract of plant drugs, 50 per cent of sugar, 25 per cent of calcium carbonate, 7 per cent of iron oxide, and 7 per cent of powdered talc, and orange-colored tablets containing 31 per cent of metallic iron, 11 per cent of calcium carbonate, extract of nux vomica, and sugar; that Bick's Daisy 99 consisted essentially of extracts of plant drugs, including cascara sagrada and buchu, sodium acetate, alcohol, and water; and that Bick's sarsaparilla compound contained less than 1 per cent of sodium salicylate, 0.7 per cent of potassium iodide, extracts of plant drugs, including sarsaparilla and a laxative drug, sugar, alcohol, and water.

Misbranding of the articles was alleged in the libel for the reason that the above-quoted statements appearing in the labeling were false and fraudulent in that the said products contained no ingredient or combination of ingredients capable of producing the said therapeutic effects.

On February 4, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12560. Adulteration of butter. U. S. v. 45 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond, to be reprocessed. (F. & D. No. 18713. I. S. No. 12954-v. S. No. E-4853.)

On June 2, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 45 tubs of butter, consigned from Frederic, Wis., on or about May 12, 1924, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Eureka Creamery Co. from Wisconsin and transported from the State of Wisconsin into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

On July 17, 1924, A. J. Rivard, trading as the Taylors Falls Creamery Co., Taylors Falls, Minn., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,200, in conformity with section 10 of the act, conditioned in part that the product be reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12561. Adulteration and misbranding of butter. U. S. v. The Hollywood Creamery Co., a Corporation. Plea of guilty. Fine, \$40. (F. & D. No. 17910. I. S. Nos. 11358-v, 11398-v.)

On March 6, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Hollywood Creamery Co., a corporation, Colorado Springs, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about March 1, 1923, from the State of Colorado into the State of Texas, and on or about April 5, 1923, from the State of Colorado into the State of New Mexico, of quantities of butter, a portion of which was adulterated and misbranded and the remainder of which was misbranded. A portion of the article was labeled in part: "1 Lb. Net Weight." The remainder of the said article was labeled in part: "Creamery Butter."

Examination by the Bureau of Chemistry of this department of 90 packages from the consignment of March 1 showed that the average net weight of the product examined was 15.67 ounces. Analyses by said bureau of 5 samples from the consignment of April 5 showed that the product contained excessive moisture and was deficient in milk fat.

Misbranding of the product consigned March 1, 1923, was alleged in the information for the reason that the statement, to wit, "1 Lb. Net Weight," borne on the packages containing the article, was false and misleading in that it represented that each of the said packages contained 1 pound net weight of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Adulteration of the product consigned April 5, 1923, was alleged for the reason that a product deficient in milk fat and which contained an excessive amount of moisture had been substituted for creamery butter, which the said article purported to be.

Misbranding of the product consigned April 5, 1923, was alleged for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the article, was false and misleading in that it represented that the said article consisted wholly of creamery butter, and for the further

reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter, whereas, in truth and in fact, the said article did not consist wholly of creamery butter but did consist of a product deficient in milk fat and which contained excessive moisture.

On May 6, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$40.

HOWARD M. GORE, *Secretary of Agriculture.*

12562. Adulteration and misbranding of apples. U. S. v. Ferdinand Hoffman. Plea of guilty. Fine, \$25. (F. & D. No. 16858. I. S. Nos. 6078-t, 6079-t, 6080-t.)

On February 13, 1923, the United States attorney for the Western District or New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ferdinand Hoffman, Rochester, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, on or about April 6, 1922, from the State of New York into the State of Pennsylvania, of a quantity of apples which were adulterated and misbranded. The article was labeled in part: (Barrel) "New York Standard A Grade Baldwins * * * Min. Size $2\frac{1}{2}$ In. Min. Vol. 3 Bu."

Examination of the article by the Bureau of Chemistry of this department showed that each barrel contained many apples that were insect-infested and many that were less than $2\frac{1}{2}$ inches in diameter, some of the barrels ranging from 26 per cent to 48 per cent below grade.

Adulteration of the article was alleged in the information for the reason that apples of a lower grade and quality than New York Standard A Grade and of less than $2\frac{1}{2}$ inches in diameter each had been substituted in part for New York Standard A Grade apples $2\frac{1}{2}$ inches in diameter each, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "New York Standard A Grade Min. Size $2\frac{1}{2}$ In.," borne on the barrels containing the article, was false and misleading in that the said statement represented that the said barrels contained only New York Standard A Grade apples of at least $2\frac{1}{2}$ inches in diameter each, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said barrels contained only New York Standard A Grade apples of at least $2\frac{1}{2}$ inches in diameter each, whereas, in truth and in fact, the said barrels contained in part apples of a lower grade and quality than New York Standard A Grade apples and contained in part apples of less than $2\frac{1}{2}$ inches in diameter each. Misbranding was alleged for the further reason that the article was offered for sale and sold under the distinctive name of another article, to wit, "New York Standard A Grade" apples.

On April 4, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12563. Adulteration and misbranding of chocolate coating. U. S. v. 4 Cases Chocolate Coating. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17979. I. S. No. 5593-v. S. No. C-4011.)

On November 7, 1923, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 cases of chocolate coating remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by F. Bischoff (Inc.) from Ballston Spa, N. Y., on or about August 18, 1923, and transported from the State of New York into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "100 Pounds Bischoff's Special Eskimo Bischoff, Inc., * * * Ballston Spa, N. Y.," and was invoiced as "Special Eskimo Choc Ctg."

Adulteration of the article was alleged in the libel for the reason that foreign fat had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged in substance for the reason that the statement on the case containing the article, "Special Eskimo, Manufacturers of Pure High Grade Cocoa & Chocolate," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On March 27, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12564. Misbranding of Foley kidney pills. U. S. v. 21 Dozen Bottles, et al., Foley Kidney Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18045, 18046. I. S. Nos. 4699-v, 4700-v. S. Nos. C-4180, C-4181.)

On November 13, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 21 dozen small bottles and 11½ dozen large bottles of Foley kidney pills, at Cincinnati, Ohio, consigned by Foley & Co., Chicago, Ill., between the dates of June 8 and October 23, 1923, alleging that the article had been shipped from Chicago, Ill., and transported from the State of Illinois into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle label, carton, and circular) "Kidney Pills for Irritation;" (circular) "Irritations of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders * * * kidneys * * * weakened by disease * * * inflamed and congested * * * In addition to taking Foley Kidney Pills we offer a few simple, but practical suggestions for the benefit of those having kidney and bladder troubles. 1st.—Water should be drunk freely * * *. 2nd.—The bowels must be kept active * * *. 3rd.—The diet is of great importance." A circular accompanying the large bottles contained also the statement "satisfaction guaranteed."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of pills containing potassium nitrate, methylene blue, hexamethylene tetramine, and material derived from plant sources, including resin and volatile oil similar to juniper oil, coated with sugar and calcium carbonate.

Misbranding of the article was alleged in the libels for the reason that the bottle labels, cartons, and circulars bore statements regarding the curative and therapeutic effect of the said article which were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On December 21, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12565. Adulteration of shell eggs. U. S. v. 10 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released upon bond to be candled. (F. & D. No. 17670. I. S. No. 4567-v. S. No. C-4068.)

On July 9, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of eggs remaining in the original unbroken packages at Cincinnati, Ohio, consigned by W. O. Crombie & Co., Carlisle, Ky., July 5, 1923, alleging that the article had been shipped from Carlisle, Ky., and transported from the State of Kentucky into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "W. O. Crombie & Co. Carlisle Ky."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On July 10, 1923, the Blome Dreifus Co., Cincinnati, Ohio, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$50, in conformity with section 10 of the act, conditioned in part that the article be candled under the supervision of this department and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12566. Misbranding of flour. U. S. v. 294 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18121. I. S. No. 4957-v. S. No. C-4209.)

On November 26, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and on December 18, 1923, an amended libel praying the seizure and condemnation of 294 sacks of flour at Cincinnati, Ohio, consigned by H. H. King & Co., Minneapolis, Minn., September 29, 1923, alleging that the article had been shipped from Minneapolis, Minn., and transported from the State of Minnesota into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "140 Lbs. The King's Gold H. H. King & Co. Minneapolis."

Misbranding of the article was alleged in the libel for the reason that the statement appearing in the label, "140 Pounds," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 7, 1924, the H. H. King Flour Mills Co., Minneapolis, Minn., having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that it be reweighed and resacked.

HOWARD M. GORE, *Secretary of Agriculture.*

12567. Adulteration of oranges. U. S. v. 462 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product released under bond to be salvaged. (F. & D. No. 18684. I. S. No. 4746-v. S. No. C-3018.)

On April 28, 1924, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 462 boxes of oranges, remaining in the original unbroken packages at Cincinnati, Ohio, consigned on or about April 16, 1924, alleging that the article had been shipped by the California Fruit Growers Exchange, Lindsay, Calif., and transported from the State of California into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Valencias * * * Blue Ridge Brand Grown and Packed by Lindsay Co-operative Citrus Assn Lindsay * * * California."

Adulteration of the article was alleged in the libel for the reason that it consisted of a decomposed vegetable substance.

On April 29, 1924, The California Fruit Growers Exchange, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, the bad portion destroyed and the good portion released.

HOWARD M. GORE, *Secretary of Agriculture.*

12568. Adulteration and misbranding of chocolate-covered pineapples. U. S. v. 16 Boxes of Chocolate-Covered Pineapples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17649. I. S. No. 637-v. S. No. E-4432.)

On or about July 18, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 boxes of chocolate-covered pineapples at Jersey City, N. J., alleging that the article had been shipped by the Sphinx Chocolate Corp., Brooklyn, N. Y., on or about June 8, 1923, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "240 Decorated Pineapples 240 Sphinx Chocolates Light Manufactured By Sphinx Chocolate Corporation, Brooklyn, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, pineapple cores, covered with chocolate dyed with coal-tar color, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that the article was colored in a manner whereby damage or inferiority was concealed.

Misbranding of the article was alleged for the reason that the package containing the article bore the following statements, "Pineapple * * * Light * * * Chocolates * * * Sphinx Chocolate Corporation," which were false and misleading and deceived and misled the purchaser.

On March 28, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12569. Adulteration and misbranding of mixed oats. U. S. v. 250 Sacks and 300 Sacks of Mixed Oats. Consent decrees providing for release of product under bond to be reconditioned and relabeled. (F. & D. Nos. 18645, 18665. I. S. Nos. 18069-v, 18096-v. S. Nos. E-3923, E-3926.)

On May 12, 1924, the United States attorney for the Eastern District of South Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 550 sacks of mixed oats remaining in the original unbroken packages at Bennettsville, S. C., alleging that the article had been shipped by Embry E. Anderson from Memphis, Tenn., in part April 23, 1924, and in part May 2, 1924, and transported from the State of Tennessee into the State of South Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Daisy Mixed Oats Other Grains Recleaned Bleached," the words "Daisy Mixed Oats" being in large letters and the words "Other Grains" being in comparatively small type and inconspicuously placed.

Adulteration of the article was alleged in the libels for the reason that screenings, added moisture, and salt had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for said article.

Misbranding was alleged for the reason that the designation "Daisy Mixed Oats Recleaned" was false and misleading and deceived and misled the purchaser in that the statement "Other Grains" did not correct the misleading impression conveyed. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 12, 1924, Embry E. Anderson having appeared as claimant for the property, judgments of the court were entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$725, in conformity with section 10 of the act, conditioned in part that the moisture content of the product be reduced to 13 per cent and that the said sacks be relabeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12570. Adulteration of canned blueberries. U. S. v. 840 Cases of Canned Blueberries. Tried to the court without a jury. Judgment for the Government. Decree of condemnation and forfeiture entered, permitting product to be released under bond to be salvaged. (F. & D. No. 18562. I. S. No. 4287-v. S. No. C-4321.)

On April 17, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 840 cases of blueberries at Chicago, Ill., alleging that the article had been shipped by A. L. Stewart & Sons from Cherryfield, Me., September 21, 1923, and transported from the State of Maine into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On June 27, 1924, A. L. Stewart & Sons, Cherryfield, Me., having appeared as claimant for the property and a jury having been waived, the case came on for trial before the court. After the submission of evidence and arguments by counsel, a judgment for the Government was entered, condemning and for-

feiting the product, and it was ordered by the court that upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned that the good portion of the product be separated from the bad portion, the good portion be released to the claimant, otherwise that the product be destroyed by the United States marshal.

· HOWARD M. GORE, *Secretary of Agriculture*.

12571. Adulteration of shell eggs. U. S. v. 129 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be candled. (F. & D. No. 17733. I. S. No. 7025-v. S. No. C-4078.)

On July 24, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 129 cases of eggs remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Plainview Produce Co., from Plainview, Nebr., July 18, 1923, and transported from the State of Nebraska into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On August 13, 1923, John V. McCarthy & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed and the good portion released.

HOWARD M. GORE, *Secretary of Agriculture*.

12572. Misbranding and alleged adulteration of butter. U. S. v. 12 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18404. I. S. No. 15157-v. S. No. E-4748.)

On February 20, 1924, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a district court, a libel praying the seizure and condemnation of 12 cases, each containing 30 pounds of butter, alleging that the article was being offered for sale and sold in the District of Columbia, in violation of the food and drugs act, by the Potomac Butter Co., Washington, D. C., and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a product deficient in butterfat, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the cartons containing the article, was false and misleading in that the said statement represented that the cartons contained butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cartons contained butter, whereas they did not but contained a product deficient in butterfat.

On April 16, 1924, the De Soto Creamery & Produce Co., Minneapolis, Minn., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered, finding the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$150, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture*.

12573. Adulteration and misbranding of butter. U. S. v. 9 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond, to be reworked. (F. & D. No. 18864. I. S. No. 13257-v. S. No. E-4889.)

On July 16, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 tubs of butter remaining in the original unbroken packages at New York, N. Y., consigned about June 25, 1924, alleging that the article had been shipped by the Sebeko Cooperative Creamery Assoc., Sebeko, Minn., and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, butter.

On July 29, 1924, The Great Atlantic & Pacific Tea Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that the product be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12574. Misbranding of oats. U. S. v. 50 Sacks of Oats, More or Less. Decree of condemnation entered. Product ordered destroyed. (F. & D. No. 18636. I. S. No. 18073-v. S. No. C-4359.)

On April 30, 1924, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 sacks of oats, remaining in the original unbroken packages at Baird, Miss., alleging that the article had been shipped by the Mississippi Elevator Co., Memphis, Tenn., April 21, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging misbranding in violation of the food and drugs act. The article was invoiced "Oats."

Misbranding of the article was alleged in the libel for the reason that the said sacks contained an admixture of oats containing moisture, wild oats, barley skimmings, rye, corn, chaff, dirt, and foreign material and the said article was offered for sale under the distinctive name of oats. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 31, 1924, a decree of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12575. Adulteration and misbranding of oats. U. S. v. 125 Sacks of Oats, More or Less. Decree of condemnation entered. Product released under bond. (F. & D. No. 18658. I. S. No. 18082-v. S. No. C-4367.)

On May 6, 1924, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 125 sacks of oats, remaining in the original unbroken packages at Oxford, Miss., alleging that the article had been shipped by John Wade & Sons, Memphis, Tenn., April 28, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "White Oats Sulphurized John Wade & Sons, Inc., Memphis, Tenn."

Adulteration of the article was alleged in the libel for the reason that it contained an admixture consisting of foreign material, including wild oats, barley, chaff, dirt, and excess moisture, which had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality or strength and which had been substituted wholly or in part for oats.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of white oats, when in fact the said sacks contained an admixture consisting of oats and screenings bleached with sulfur dioxide and for the further reason that the designation "White Oats" was false and misleading and deceived and misled the purchaser.

On August 12, 1924, the Farmers Warehouse Co., Oxford, Miss., claimant, having consented to abide by the ruling of this department in reconditioning the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, for reconditioning and relabeling, upon the execution of a bond in the sum of \$775 and payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12576. Misbranding of Eggsave. U. S. v. 40 Dozen Cartons of Eggsave. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18627. I. S. No. 11734-v. S. No. W-1503.)

On April 26, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 dozen cartons of Eggsave remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped by the Heinrich Chemical Co., from Minneapolis, Minn., October 27, 1923, and transported from the State of Minnesota into the State of California, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Eggsave * * * Prepared only by Duchess Laboratories Minneapolis, Minn. * * * Artificially Colored Guaranteed to comply with all Pure Food Laws."

Misbranding of the article was alleged in the libel for the reason that the designation "Eggsave" and the statements, "Takes The Place Of Expensive Eggs in Baking and Cooking," "'Eggsave' is a pure food product which may be used instead of eggs in all baking and cooking," "One box of 'Eggsave' takes the place of three dozen eggs," "This box contains sufficient 'Eggsave' to take the place of three dozen expensive fresh eggs," and "For each egg called for in recipe use one Level teaspoonful of 'Eggsave,'" appearing in the labeling, were false and misleading and deceived and misled the purchaser.

On August 12, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12577. Misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18272. I. S. No. 13705-v. S. No. E-4720.)

On January 23, 1924, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 sacks of cottonseed meal remaining in the original unbroken packages at Fayetteville, Pa., alleging that the article had been shipped by the International Vegetable Oil Co., from Raleigh, N. C., on or about November 11, 1923, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act.

Misbranding of the article was alleged in the libel for the reason that the label bore statements regarding the said article and the ingredients and substances contained therein, to wit, "High Grade Cotton Seed Meal * * * Guaranteed Analysis Protein not less than 41.12% Equivalent to Ammonia 8.00%," which were false and misleading and deceived and misled the purchaser in that the said article contained less than 41 per cent of protein, equivalent to 8 per cent of ammonia.

On March 24, 1924, the Fayetteville Feed & Grain Co., Fayetteville, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12578. Adulteration and misbranding of butter. U. S. v. Homestead Creamery Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 17519. I. S. Nos. 7525-v, 14305-t.)

On July 5, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Homestead Creamery Co., a corporation, Mitchell, Nebr., alleging shipment by said company in violation of the food and drugs act, in two consignments, namely, on or about May 14 and August 4, 1922, respectively, from the State of Nebraska into the State of Wyoming, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Platte Valley Gold Creamery Butter * * * Manufactured by The Homestead Creamery Mitchell, Nebraska."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained excessive moisture and was deficient in milk fat.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for creamery butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the article, was false and misleading in that the said statement represented that the article consisted wholly of creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter, whereas, in truth and in fact, it did not so consist but did consist of a product deficient in butterfat and [which] contained an excessive amount of water.

On July 7, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Secretary of Agriculture.*

12579. Adulteration of shell eggs. U. S. v. Albert Reimold. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 17425. I. S. No. 3931-v.)

On September 12, 1923, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert Reimold, Maitland, Mo., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 4, 1922, from the State of Missouri into the State of Illinois, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Albert Reimold, Maitland, Mo."

Examination by the Bureau of Chemistry of this department of 1,260 eggs from the consignment showed that 191 eggs, or 15 per cent of those examined, were inedible eggs, consisting of black rots, mixed rots, blood rings, and spot rots.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On March 4, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12580. Adulteration of canned salmon. U. S. v. 500 Cases of Salmon. Tried to the court and a jury. Verdict for the Government. Decree of condemnation and forfeiture entered. Product released under bond, to be reconditioned. (F. & D. No. 17290. I. S. No. 6118-v. S. No. C-3901.)

On February 23, 1923, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 cases of salmon remaining in the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped by the Kelley Clarke Co. from Seattle, Wash., December 28, 1922, and transported from the State of Washington into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Hobby Brand Pink Salmon Packed in Alaska by Southern Alaska Canning Co., main office Seattle, Wash., U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On May 16, 1924, the Southern Alaska Canning Co. having appeared as claimant for the property, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel, the jury returned a verdict for the Government. A decree of condemnation and forfeiture was thereupon entered, and on August 13, 1924, it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the product be reconditioned under the supervision of this department, the said decree further providing that the claimant should pay the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12581. Adulteration of shell eggs. U. S. v. Stephen D. Rardin (S. D. Rardin Co.). Plea of guilty. Fine, \$10 and costs. (F. & D. No. 17236. I. S. No. 3935-v.)

On March 3, 1924, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Stephen D. Rardin, trading as S. D. Rardin Co., Ridgeway, Mo., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 25, 1922, from the State of Missouri into the State of Illinois, of a quantity of shell eggs which were adulterated.

Examination of 1,440 eggs from the consignment by the Bureau of Chemistry of this department showed that 196 eggs, or 13 per cent of those examined, were inedible, consisting of black rots, spot rots, mixed rots, and moldy eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On March 3, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12582. Adulteration of canned salmon. U. S. v. 3,264 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17322. I. S. No. 8321-v. S. No. W-1289.)

On March 5, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3,264 cases of canned salmon remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the North Pacific Trading & Packing Co. from Klawack, Alaska, September 16, 1920, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Klawack Brand Fresh Alaska Pink Salmon * * * Packed at Klawack, Alaska, U. S. A. by the North Pacific Trading and Packing Company San Francisco Calif."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On April 21, 1924, the North Pacific Trading & Packing Co., San Francisco, Calif., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion under the supervision of this department and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12583. Adulteration and misbranding of ground mixed feed barley. U. S. v. 950 Sacks of Ground Mixed Feed Barley. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18194. I. S. No. 15028-v. S. No. E-3906.)

On December 26, 1923, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure

and condemnation of 950 sacks of ground mixed feed remaining in the original unbroken packages at Richmond, Va., alleging that the article had been shipped by the Cokato Milling Co. from Minneapolis, Minn., on or about October 18, 1923, and transported from the State of Minnesota into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Ajax Ground Mixed Feed Barley * * * Protein 11% * * * Manufactured by Cokato Milling Co. Minneapolis, Minn."

Adulteration of the article was alleged in the libel for the reason that a product deficient in protein and containing oats and screenings had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted in whole and in part for mixed feed barley, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Ground Mixed Feed Barley * * * Protein 11%," borne on the labels, were false and misleading in that the said statements represented that the article was ground mixed feed barley and contained 11 per cent of protein, whereas it was not ground mixed feed barley but was a mixture containing oats and screenings and did not contain 11 per cent of protein but contained a less amount. Misbranding was alleged for the further reason that the statements, "Ground Mixed Feed Barley * * * Protein 11%," would deceive and mislead the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On May 26, 1924, the Cokato Milling Co., Minneapolis, Minn., having appeared as claimant for the property and having executed a bond in the sum of \$500, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product be released to the claimant, conditioned in part that the said product be relabeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12584. Adulteration of canned salmon. U. S. v. 1,114 Cases and 245 Cases of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released under bond, to be salvaged. (F. & D. Nos. 17187, 17195. I. S. Nos. 8320-v, 8324-v. S. Nos. W-1287, W-1298.)

On January 19 and 25, 1923, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,359 cases of canned salmon remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Alaska Sanitary Packing Co. from Wrangell, Alaska, in part August 22, 1922, and in part September 14, 1922, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Cute Boy Brand Pink Salmon * * * Packed by Alaska Sanitary Packing Co. Wrangell, Alaska. Main Office Seattle, Wash."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a decomposed and putrid animal substance.

On June 3, 1924, the Alaska Sanitary Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$3,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12585. Adulteration of butter. U. S. v. 56 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond, to be reworked. (F. & D. No. 18851. I. S. No. 12861-v. S. No. E-4887.)

On July 14, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 56 tubs of butter remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Five Points Creamery Co., Durango, Iowa, on or about July 1,

1924, and transported from the State of Iowa into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

On August 2, 1924, Ficken, Coffin & Co. (Inc.), New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,400, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12586. Misbranding of Smith's buchu lithia pills. U. S. v. 118 Boxes, et al., of Buchu Lithia Pills. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17962, 17963, 17964, 17965. S. Nos. E-4521, E-4522, E-4525.)

On November 8, 1923, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 263 boxes of Smith's buchu lithia pills in various lots at Albany, Syracuse, and Troy, N. Y., respectively, alleging that the article had been shipped by C. F. Smith, Boston, Mass., between the dates of August 29 and October 3, 1923, and transported from the State of Massachusetts into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Box label and circular) "For Rheumatism and All Diseases of the Kidneys, Blood and Urinary Organs, Bright's Disease, Congestion of the Kidneys, Bladder Troubles, Dropsical Swellings, Cystitis, Nephritis, Diabetes, Nervous Debility, Malaria, Gout, Neuralgia, Sciatica, etc., Gravel, Stone in the Bladder, Pain in Back, Lumbago, etc., Sleeplessness, Nervousness, Female Complaints and Irregularities, And all Blood Impurities Due to Defective Action of the Kidneys * * * Uric Acid Solvent"; (circular) "specific for Rheumatism and all diseases of the Kidneys and Bladder * * * by removing the cause * * * will cure finally any curable case * * * pale, sallow complexion, headache, dyspepsia, * * * and a long train of diseases. * * * They cure rheumatism, because they cure the kidneys * * *" (testimonials) " * * * permanently cured of obstinate kidney trouble and backache * * * completely cured of kidney trouble, backache and urinary trouble * * * sure cure for kidney trouble * * * the best remedy for weak kidneys * * * recommend them to anyone with suppression or stoppage of urine." "For Backache, Inflammation of the Kidneys, * * * Bladder * * * Dropsy, Whites or Leucorrhœa * * * Loss of Sleep, Lost Vitality, Painful Menstruation, * * * Catarrh of the Bladder, Incontinence of Urine or Inability to Hold Water * * * In all old or chronic cases * * * to remove the uric acid * * * strengthen the kidneys and bladder and purify the blood * * * permanent cures will certainly be the result * * * If your case is chronic continue their use * * * they will cure any case"; (additional circular) "Remove acid and keep kidneys and bladder healthy."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was an iron oxide-coated pill containing powdered licorice, extracts of plant drugs, including uva ursi and podophyllum, sodium, potassium, lithium and magnesium compounds, including nitrate and citrate, and soap.

Misbranding of the article was alleged in the libels for the reason that the above-quoted statements appearing in the labeling, regarding the curative and therapeutic effect of the said article, were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 15 and 28, 1924, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12587. Misbranding of oats. U. S. v. 300 Sacks of Oats, More or Less. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18666. I. S. No. 18433-v. S. No. C-4381.)

On May 7, 1924, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 sacks of oats remaining in the original unbroken packages at Greenwood, Miss., alleging that the article had been shipped by the George J. Hamner Grain Co., Memphis, Tenn., April 29, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended. The article was invoiced, "White Oats."

Misbranding of the article was alleged in substance in the libel for the reason that it was offered for sale under the distinctive name of oats, when it was in fact an admixture of oats and foreign material, including wild oats, barley skimmings, rye, white [wheat] chaff, and dirt, and had been bleached with sulfur dioxide, which was not declared. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 5, 1924, the George J. Hamner Grain Co., Memphis, Tenn., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be properly labeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12588. Adulteration and misbranding of ice cream. U. S. v. Sidebottom Pure Ice Cream & Dairy Co., a Corporation. Plea of guilty. Fine and costs, \$125. (F. & D. No. 16028. I. S. Nos. 23106-t, 23107-t.)

On April 20, 1922, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sidebottom Pure Ice Cream & Dairy Co., a corporation, Nashville, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about October 19, 1921, from the State of Tennessee into the State of Kentucky, of quantities of ice cream which was adulterated and misbranded. The article was labeled in part: (Tag) "Sidebottom Pure Ice Cream and Dairy Co., * * * Nashville, Tenn."; (package) "Ice Cream * * * an absolutely sterile ice cream reaching a standard of purity and velvet smoothness impossible for any other manufacturer in Nashville to obtain."

Analyses by the Bureau of Chemistry of this department of samples from each of the two consignments showed that the samples contained approximately 2.69 per cent and 6.17 per cent, respectively, of milk fat.

Adulteration of the article was alleged in substance in the information for the reason that a product containing approximately 2.69 per cent or 6.17 per cent, as the case might be, of butterfat, which was much less than the amount required to comply with recognized trade practice, had been substituted wholly or in part for ice cream, which the said article purported to be. Adulteration was alleged for the further reason that butterfat, a valuable constituent of the article, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Pure Ice Cream," borne on the tags attached to the packages containing the article, and the statements, to wit, "Ice Cream * * * an absolutely sterile ice cream reaching a standard of purity and velvet smoothness impossible for any other manufacturer in Nashville to obtain," borne on the package label, were false and misleading in that the said statements represented that the article was ice cream, to wit, an article containing a sufficient percentage of butterfat necessary to comply with recognized trade practice, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was ice cream, to wit, an article containing a sufficient percentage of butterfat necessary to comply with recognized trade practice, whereas it was not ice cream, to wit, an article containing the said recognized amount of butterfat, but was a product containing a deficient amount of butterfat, to wit, 2.69 per cent or 6.17 per cent of butterfat, as the case might be.

which was much less than the amount required to comply with recognized trade practice in ice cream. Misbranding was alleged for the further reason that the article was a mixture containing a deficient amount of butterfat, prepared in imitation of and offered for sale under the distinctive name of another article, to wit, ice cream.

On April 17, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine and costs in the amount of \$125.

HOWARD M. GORE, *Secretary of Agriculture.*

12589. Adulteration and misbranding of flour. U. S. v. 620 Sacks of Flour. Product released under bond, to be reconditioned. (F. & D. No. 18514. I. S. No. 11659-v. S. No. W-1499.)

On March 27, 1924, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 620 sacks of flour at Tucson, Ariz., alleging that the article had been shipped by the El Paso Grain & Milling Co., El Paso, Texas, on or about March 11, 1924, and transported from the State of Texas into the State of Arizona, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Globe Mills Flour Globe Bakers Globe Mills El Paso, * * * Matured-Bleached * * * 98 Lbs. Baker's Globe Flour."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "98 pounds," appearing in the labeling, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 4, 1924, the El Paso Grain & Milling Co., El Paso, Texas, having appeared as claimant for the property and the product having been theretofore reduced to a moisture content of 13½ per cent or less and the sacks having been filled to their stated weight of 98 pounds, it was ordered by the court that the product be released to the said claimant and that the bond theretofore executed be exonerated, and it was further ordered that the costs be taxed against the claimant.

HOWARD M. GORE, *Secretary of Agriculture.*

12590. Adulteration and misbranding of canned corn. U. S. v. 450 Cases of Canned Corn. Decree entered, ordering product released under bond, to be reconditioned. (F. & D. No. 18253. I. S. No. 6481-v. S. No. C-1246.)

On December 29, 1923, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and thereafter an amended libel praying the seizure and condemnation of 450 cases of canned corn at Stamps, Ark., alleging that the article had been shipped by H. M. Crites & Co., Circleville, Ohio, on or about September 23, 1923, and transported from the State of Ohio into the State of Arkansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Crites Best Brand Sugar Corn * * * H. M. Crites & Co. * * * Circleville Ohio."

Adulteration of the article was alleged in the libel as amended for the reason that the contents of a very large percentage of the said cans consisted wholly or in part of a filthy, decomposed, and putrid substance.

Misbranding was alleged in substance for the reason that the labeling of the said article was false and misleading in that it was so labeled as to mislead and deceive the purchaser into the belief that it was a product fit for food, whereas a large percentage of the product was not fit for food but was decomposed and putrid.

On May 26, 1924, M. H. Crites & Co., Circleville, Ohio, having appeared as claimant for the property, judgment of the court was entered, finding that a portion of the product was unfit for food, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that it be reconditioned, and it was further ordered that the costs be paid by the said claimant.

HOWARD M. GORE, *Secretary of Agriculture.*

12591. Misbranding of cottonseed oil. U. S. v. 5 Cases of Cottonseed Oil. Decree entered, finding product to be misbranded and ordering its release under bond, to be relabeled. (F. & D. No. 16614. I. S. No. 14319-t. S. No. W-1144.)

On July 29, 1922, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 cases of cottonseed oil at Salt Lake City, Utah, alleging that the article had been shipped by the Procter & Gamble Co. from Brighton, Ohio, on or about July 30, 1921, and transported from the State of Ohio into the State of Utah, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "One Quarter Gallon Net Measure Winter Pressed Pure Cotton Seed Oil Puritan Salad and Cooking Oil * * * The Procter and Gamble Co. Cincinnati, U. S. A."

Misbranding of the article was alleged in the libel for the reason that the statement on the label, "One Quarter Gallon Net Measure," was false and misleading in that the net contents of the said cans was less than one quarter gallon net. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 22, 1923, the Procter & Gamble Co., Cincinnati, Ohio, claimant, having paid the costs of the proceedings and executed a bond in the sum of \$100, in conformity with section 10 of the act, a decree of the court was entered, finding the product to be misbranded and ordering that it be released to the claimant to be relabeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12592. Adulteration and misbranding of preserves. U. S. v. 5 Cases and 4 Cases of Preserves. Decree entered, ordering product released under bond to be relabeled. (F. & D. No. 18451. I. S. Nos. 15372-v. 15373-v. S. No. E-4768.)

On March 11, 1924, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 cases of raspberry preserves and 4 cases of assorted preserves, at Keene, N. H., alleging that the article had been shipped by F. P. Adams Co., from Boston, Mass., on or about December 3, 1923, and transported from the State of Massachusetts into the State of New Hampshire, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Monadnock Pure Food Raspberry Preserve" (or "Strawberry Preserve") "Net Weight 16 ozs."

Adulteration of the article was alleged in the libel for the reason that glucose had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "Pure * * * Jam," "Pure Food Net Weight 16 ozs. Made From Selected Fruit and Refined Sugar," "Strawberry Preserve," and "Raspberry Preserve," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 25, 1924, F. P. Adams Co. (Inc.), Boston, Mass., having appeared as claimant for the property and having executed a bond in the sum of \$500, in conformity with section 10 of the act, it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and that it be relabeled in compliance with law.

HOWARD M. GORE, *Secretary of Agriculture.*

12593. Adulteration of butter. U. S. v. North Montpelier Cooperative Creamery Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 17930. I. S. No. 1883-v.)

On March 28, 1924, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the North Montpelier Cooperative Creamery Co., a corporation, Plainfield, Vt., alleging shipment by said company, in violation of the food and drugs act, on or about

June 20, 1923, from the State of Vermont into the State of Massachusetts, of a quantity of butter which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained an excessive amount of moisture and was deficient in fat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and which contained an excessive amount of moisture had been substituted for butter, which the said article purported to be.

On May 21, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

HOWARD M. GORE, *Secretary of Agriculture.*

12594. Misbranding of Foster's backache kidney pills. U. S. v. 5 Gross Boxes of Foster's Backache Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18125. I. S. No. 11705-v. S. No. W-1452.)

On November 30, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 gross boxes of Foster's backache kidney pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Foster-McClellan Co., from Buffalo, N. Y., on or about October 29, 1923, and transported from the State of New York into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted of potassium nitrate, rosin, fenugreek, uva ursi, and an essential oil such as juniper or turpentine oil, coated with talc and sugar.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, (box and wrapper, English) " * * * Backache Kidney Pills * * * for Kidney Complaints and diseases arising from disorders of the Kidneys & Bladder Such As Backache, Stiff, Lame or Weak Back, Cold in the Back or Kidneys, Congestion of the Kidneys, Inflammation of the Bladder, Gravel, Scalding urine, and Urinary Troubles * * *" (circular, English and Spanish) " * * * Backache Kidney Pills (Spanish "For the Kidneys") * * * for Kidney Complaints and Diseases Arising from Disorders of the Kidneys & Bladder * * * if relief is not noticed, increase the dose * * * When relief is noticed the dose may be reduced * * * a good medicine * * *," (pasteboard container for one dozen) "Backache Kidney Pills for the Kidneys and Bladder, Backache, etc. * * *," together with the design or device on bottle, wrapper and circular of a figure about waist length, rear view, slightly stooped, head turned, right hands pressing on flanks, inscription on arms, shoulders, and back, "Foster's Backache Kidney Pills," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On August 12, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12595. Adulteration of tomato puree. U. S. v. 24 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18783. I. S. No. 16079-v. S. No. E-4866.)

On June 10, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 24 cases of tomato puree remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Fairdale Canning Co., Bridgeton, N. J., alleging that the article had been shipped from Bridgeton, N. J., in part on or about December 17, 1923, and in part on or about February 2, 1924, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fairdale Brand Tomato Puree * * * Packed by Fairdale Canning Co. Bridgeton, New Jersey."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed vegetable substance.

On June 30, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12596. Adulteration and misbranding of butter. U. S. v. Michael F. Donahue. Plea of guilty. Fine, \$1. (F. & D. Nos. 17426, 17694. I. S. Nos. 1833-v, 10851-v, 10853-v.)

On November 13, 1923, the United States attorney for the District of Vermont, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district a consolidated information against Michael F. Donahue, Essex, Vt., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, namely, on or about November 13, 1922, and March 5 and 22, 1923, respectively, from the State of Vermont into the State of New Hampshire, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Donahue's Creamery Butter * * * Manufactured By M. F. Donahue Essex, Vermont."

Analysis of a sample of the article from each shipment by the Bureau of Chemistry of this department showed that it was deficient in butterfat and that the shipments of November 13, 1922, and March 22, 1923, contained excessive moisture.

Adulteration of the product consigned November 13, 1922, was alleged in the information for the reason that a substance, to wit, excessive moisture, had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength, for the further reason that a substance, to wit, excessive water, had been substituted in part for creamery butter, which the article purported to be, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

Adulteration was alleged with respect to the shipments of March 5 and 22, 1923, for the reason that a product deficient in butterfat and which contained excessive moisture, with respect to the product consigned March 22, 1923, and a product deficient in butterfat, with respect to the product consigned March 5, 1923, had been substituted for creamery butter, which the article purported to be.

Misbranding was alleged with respect to the product involved in all the consignments for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the article, was false and misleading in that the said statement represented that the article consisted wholly of creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter, whereas it did not so consist, but a portion of the article consisted of a product deficient in butterfat and [which] contained excessive moisture, and the remainder thereof consisted of a product deficient in butterfat.

Misbranding was alleged with respect to the product consigned November 13, 1922, for the further reason that it was a product low in butterfat and which contained excessive moisture prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, creamery butter.

On March 17, 1924, the defendant entered a plea of guilty to the consolidated information, and the court imposed a fine of \$1.

HOWARD M. GORE, *Secretary of Agriculture.*

12597. Adulteration and misbranding of wafer meal and corn meal. U. S. v. J. Calvin Bogert (Grove Feed Products Co.). Plea of guilty. Fine, \$10. (F. & D. No. 18091. I. S. Nos. 21-v, 403-v.)

At the January, 1924, term of the United States District Court within and for the District of New Jersey the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against J. Calvin Bogert, trading as Grove Feed Products Co., Jersey City, N. J., alleging shipment by said defendant, in violation of the food and drugs act as amended, in two consignments, namely, on or about March 24, 1923, and April 3, 1923, respectively, from the State of New Jersey into the State of New York, of quantities of corn meal and wafer meal, respectively, which were adulterated and mis-

branded. The wafer meal was labeled in part: "Grove Wafer Meal Analysis Protein 12.00% * * * Ingredients Wafer Dough." The other product was invoiced as corn meal.

Analysis of a sample of the wafer meal by the Bureau of Chemistry of this department showed that it contained 10.3 per cent of protein, linseed meal, and large quantities of ground pea seed coats and flax plant waste. Analysis of a sample of the corn meal by said bureau showed that it contained corn meal, a trace of pea starch, and a large quantity of ground pea seed coats.

Adulteration of the wafer meal was alleged in the information for the reason that substances, to wit, pea seed coats, flax plant waste, and linseed meal, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for wafer meal, which the article purported to be.

Misbranding of the wafer meal was alleged for the reason that the statements, to wit, "Analysis Protein 12.00%" and "Ingredients Wafer Dough," borne on the tags attached to the sacks containing the article, were false and misleading in that the said statements represented that the article contained not less than 12 per cent of protein and consisted wholly of wafer dough, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 12 per cent of protein and consisted wholly of wafer dough, whereas, in truth and in fact, it contained less than 12 per cent of protein and consisted in part of pea seed coats, flax plant waste, and linseed meal.

Adulteration of the corn meal was alleged for the reason that a substance, to wit, ground pea seed coats, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for corn meal, which the article purported to be.

Misbranding of the corn meal was alleged for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 2, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

HOWARD M. GORE, *Secretary of Agriculture.*

12598. Misbranding of butter. U. S. v. O. J. Kennedy and John Poole (Kennedy-Poole Co.). Plea of guilty. Fine, \$50. (F. & D. No. 17791. I. S. No. 11269-v.)

On November 14, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against O. J. Kennedy and John Poole, copartners, trading as Kennedy-Poole Co., San Francisco, Calif., alleging that the said company had sold under a guarantee that the article would meet the requirements of the Federal food and drugs act a quantity of butter which was misbranded and that on or about May 8, 1923, the said article, in the identical condition as when so sold, was delivered at San Francisco, Calif., for shipment from the State of California into the Territory of Hawaii, in further violation of said act. The article was labeled in part: "One Pound Net Weight."

Examination of a sample consisting of 280 packages of the article by the Bureau of Chemistry of this department showed that the said packages contained an average of 15.8 ounces net of butter.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the cartons containing the article, was false and misleading in that the said statement represented that the cartons contained 1 pound net weight of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cartons contained 1 pound net weight of butter, whereas, in truth and in fact, they did not but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 26, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

12599. Adulteration of canned blueberries. U. S. v. 430 Cases and 800 Cases of Blueberries. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18561, 18567. I. S. Nos. 1989-v, 15342-v. S. Nos. E-4753, E-4808.)

On April 17 and 18, 1924, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1230 cases of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the E. M. Frye Packing Co., from Harrington, Me., in part on or about September 8, 1923, and in part on or about September 10, 1923, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Pigeon Brand * * * Packed by E. M. Frye Packing Co. Harrington, Me."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance. Adulteration was alleged with respect to a portion of the product for the further reason that leaves, twigs, and other trash, and berries other than blueberries had been mixed and packed therewith so as to reduce and lower its quality and strength and had been substituted in part for the said article.

On July 30, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12600. Adulteration of canned sardines. U. S. v. 8 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17852. I. S. No. 609-v. S. No. E-4502.)

On October 11, 1923, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 cases of sardines at Albany, N. Y., alleging that the article had been shipped by the Columbian Canning Co., Lubec, Me., on or about August 22, 1923, and transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Champion Brand American Sardines * * * Columbian Canning Co. Washington Co. Lubec, Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On January 14, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

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Feed, barley:		Strawberry preserves. <i>See</i> Preserves.	
Cokato Milling Co-----	12583	Thomas' emmenagogue pills:	
beef scrap:		Palestine Drug Co-----	12559
Shoemaker, M. L., & Co-----	12555	Tomato puree:	
corn meal:		Fairdale Canning Co-----	12595
Grove Feed Products Co-----	12597	Vagiseptic discs:	
cottonseed meal:		Palestine Drug Co-----	12559
Eastern Cotton Oil Co-----	12552	Wafer meal. <i>See</i> Feed.	
International Vegetable Oil Co-	12577		

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12601-12650

[Approved by the Secretary of Agriculture, Washington, D. C., January 31, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

12601. Adulteration of chocolate concentrate. U. S. v. 2 Gallons of Chocolate Concentrate. Default decree of condemnation, forfeiture, and destruction or sale. (F. & D. No. 18616. I. S. No. 12086-v. S. No. E-4814.)

On April 23, 1924, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 gallons of chocolate concentrate, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by Jack Beverages (Inc.), New York, N. Y., on or about April 5, 1924, and transported from the State of New York into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Real Chocolate Concentrate * * * Jack Beverages, Inc. * * * New York City."

Adulteration of the article was alleged in the libel for the reason that it contained an added poisonous or other added deleterious ingredient, salicylic acid, which might have rendered it injurious to health.

On June 10, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, or sold, if such sale could be speedily effected.

HOWARD M. GORE, *Secretary of Agriculture.*

12602. Adulteration and misbranding of butter. U. S. v. 40 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 18952. I. S. No. 19025-v. S. No. C-4462.)

On or about August 16, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 boxes, each containing 50 one-pound prints of butter, at Chicago, Ill., alleging that the article had been shipped by the D. E. Wood Butter Co., from Evansville, Wis., August 11, 1924, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "One Pound Net."

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substi-

tuted wholly or in part for the said article, and for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the prints were labeled, "One Pound Net," whereas they were less than 1 pound net.

During the month of August, 1924, the D. E. Wood Butter Co., Evansville, Wis., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12603. Adulteration and misbranding of ground barley feed. U. S. v. Schreiber Milling & Grain Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 16953. I. S. No. 13651-t.)

On April 5, 1924, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Schreiber Milling & Grain Co., a corporation, Minneapolis, Minn., alleging shipment by said company, in violation of the food and drugs act, on or about September 2, 1921, from the State of Minnesota into the State of Indiana, of a quantity of ground barley feed which was adulterated and misbranded. The article was labeled in part: (Tags) "Fancy Ground Barley Feed Ingredients: Whole Barley and Screenings * * * Manufactured by Schreiber Milling & Grain Co. Minneapolis, Minn.;" "Schreiber Milling & Grain Company, of Minneapolis, Minn., Guarantees this Fancy Ground Feed Barley and Screenings to contain not less than * * * 13.0 per cent of crude protein, not more than 8.5 per cent of crude fiber."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 12.08 per cent of protein and 14.04 per cent of crude fiber. Examination by said bureau showed that the product was ground barley feed with ground screenings.

Adulteration of the article was alleged in the libel for the reason that a mixture of barley feed and ground barley screenings had been substituted for fine ground feed barley and fancy ground feed barley and screenings, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Schreiber Milling & Grain Company, of Minneapolis, Minn., Guarantees this Fancy Ground Feed Barley and Screenings to contain not less than * * * 13.0 per cent of crude protein, not more than 8.5 per cent of crude fiber," borne on the tag attached to the sacks containing the article, was false and misleading in that the said statement represented that the article consisted wholly of fancy ground feed barley and screenings and contained not less than 13 per cent of crude protein and not more than 8.5 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of fancy ground feed barley and screenings and contained not less than 13 per cent of crude protein and not more than 8.5 per cent of crude fiber, whereas, in truth and in fact, it did not consist wholly of fancy ground feed barley and screenings, but did consist of a mixture of barley feed and ground barley screenings, and it did contain less than 13 per cent of crude protein and more than 8.5 per cent of crude fiber. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 5, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

HOWARD M. GORE, *Secretary of Agriculture.*

12604. Adulteration and misbranding of canned oysters. U. S. v. 11 Cases of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16717. I. S. No. 9501-v. S. No. C-2923.)

On August 8, 1922, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11 cases of oysters, remaining in the original unbroken packages at Harriman, Tenn., alleging that the article had been shipped by

the Hilton Head Packing Co., Savannah, Ga., on or about May 27, 1922, and transported from the State of Georgia into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Hilton Head Brand * * * Oysters Contains 5 Oz. Oyster Meat Packed By Hilton Head Packing Co., Office; Savannah, Ga."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Hilton Head Brand Oysters Contains 5 Oz. Oyster Meat," together with the design showing opened oysters, appearing on the labels, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 17, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12605. Misbranding of crab meat. U. S. v. 98 1-Pound Tins of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18923. I. S. No. 13285-v. S. No. E-4926.)

On August 25, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 98 1-pound tins of crab meat, remaining in the original unbroken packages at New York, N. Y., consigned by W. L. Tull & Bro., Crisfield, Md., alleging that the article had been shipped from Crisfield, Md., on or about August 16, 1924, and transported from the State of Maryland into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Net Contents 1 Lb."

Examination of the article by the Bureau of Chemistry of this department showed that the cans contained less than 1 pound net of crab meat.

Misbranding of the article was alleged in the libel for the reason that the statement, "Net Contents 1 Lb.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 15, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12606. Adulteration of canned blueberries. U. S. v. 149 Cases of Canned Blueberries. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 18537. I. S. No. 15897-v. S. No. E-4796.)

On April 7, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 149 cases of canned blueberries, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Bangor Sanitary Packing Co., from Bangor, Me., October 26, 1923, and transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Schoppe Brand * * * Extra Select Blueberries Packed and Guaranteed by Bangor Sanitary Packing Co., Bangor, Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 11, 1924, the claimant for the property having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, and that the claimant pay the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12607. Adulteration of butter. U. S. v. 103 Tubs of Butter. Portion of product ordered released. Consent decree of condemnation and forfeiture with respect to remainder; released under bond to be reworked. (F. & D. No. 18439. I. S. No. 12805-v. S. No. E-4759.)

On March 4, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 103 tubs of butter remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Sardis Creamery Co., from Sardis, Miss., July 14, 1923, and transported from the State of Mississippi into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that substances deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and were substituted in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, to wit, butterfat, had been in part abstracted.

On July 25, 1924, the Miles Friedman Co., Chicago, Ill., having appeared as claimant for the property and having consented to the entry of a decree condemning a portion of the product, judgment of condemnation and forfeiture was entered with respect thereto, and it was ordered by the court that the said portion be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$700, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department, and it was further ordered by the court that the remainder of the product be released unconditionally.

HOWARD M. GORE, *Secretary of Agriculture.*

12608. Adulteration of butter. U. S. v. 65 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 18438. I. S. No. 12805-v. S. No. E-4759.)

On March 4, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 65 tubs of butter, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Kosciusko Creamery Co., from Kosciusko, Miss., July 14, 1923, and transported from the State of Mississippi into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that substances deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and were substituted in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, to wit, butterfat, had been in part abstracted.

On July 24, 1924, the Miles Friedman Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12609. Adulteration of butter. U. S. v. 81 Tubs of Butter. Portion of product ordered released. Consent decree of condemnation and forfeiture with respect to remainder; released under bond to be reworked. (F. & D. No. 18437. I. S. No. 12805-v. S. No. E-4759.)

On March 4, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 81 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Coop. Co., from Coleman, Mich., July 3, 1923, and transported from the State of Michigan into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that substances deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and were substituted in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, to wit, butterfat, had been in part abstracted.

On July 25, 1924, the Miles Friedman Co., Chicago, Ill., having appeared as claimant for the property and having consented to the entry of a decree condemning a portion of the product, judgment of condemnation and forfeiture was entered with respect thereto, and it was ordered by the court that the said portion be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$900, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department, and it was further ordered by the court that the remainder of the product be released unconditionally.

HOWARD M. GORE, *Secretary of Agriculture.*

12610. Adulteration of butter. U. S. v. 32 Tubs of Butter. Product released to claimant. (F. & D. No. 18436. I. S. No. 12805-v. S. No. E-4759.)

On March 4, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 32 tubs of butter, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Backus Creamery from Backus, Minn., July 2, 1923, and transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that substances deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and were substituted in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, to wit, butterfat, had been in part abstracted.

On July 24, 1924, the product having been theretofore analyzed and found to comply with the law, a decree of the court was entered ordering that it be released to the claimant, upon payment of the marshal's fees, and that the costs of the proceedings be not assessed against the claimant.

HOWARD M. GORE, *Secretary of Agriculture.*

12611. Adulteration of butter. U. S. v. 39 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 18435. I. S. No. 12805-v. S. No. E-4759.)

On March 4, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 39 tubs of butter, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Glen Ullin Creamery Co. from Glen Ullin, N. D., July 2, 1923, and transported from the State of North Dakota into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that substances deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and were substituted in part for the said article. Adulteration was alleged for the further reason that a valuable constituent, to wit, butterfat, had been in part abstracted.

On July 24, 1924, the Miles Friedman Co., Chicago, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$900, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12612. Adulteration and misbranding of jellies. U. S. v. 6 Cases of Assorted Jellies. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18717. I. S. Nos. 12627-v, 12628-v, 12629-v, 12630-v. S. No. E-4857.)

On June 10, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 cases of assorted jellies, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped from Norfolk, Va., on or about May 19, 1924, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Hamilton's Quality Products Phila. Pa. 8 Oz." (rubber stamp "7 Oz.") "Net Avd. Pure Apple Jelly" (or "Pure Grape Jelly Pectin Base," or "Pure Strawberry Jelly Pectin Base," or "Pure Currant Jelly Pectin Base").

Adulteration of the article was alleged in the libel for the reason that a substance deficient in fruit and containing added pectin had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the retail packages in which the article was enclosed contained labels, which bore statements, regarding the said article and the ingredients and substances contained therein, which were false and misleading in that the said statements represented that the packages contained "Quality Products * * * Pure Apple Jelly," "Grape Jelly," "Strawberry Jelly," or "Currant Jelly," as the case might be, when in fact they did not.

On June 30, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12613. Adulteration of frozen egg yolks and frozen mixed eggs. U. S. v. 96 Tins of Frozen Egg Yolks and 1,103 Tins of Frozen Mixed Eggs. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18481, 18482. I. S. Nos. 18139-v, 18140-v. S. No. E-4776.)

On March 10, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 96 tins of frozen egg yolks and 1,103 tins of frozen mixed eggs, remaining in the original unbroken packages at New York, N. Y., alleging that the articles had been shipped by the Louisville Provision Co., Inc., from Louisville, Ky., January 9, 1924, and transported from the State of Kentucky into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the articles was alleged in the libels for the reason that they consisted in part of filthy, decomposed, and putrid animal substances.

On July 30, 1924, the Louisville Provision Co., Louisville, Ky., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$8,000, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion, under the supervision of this department, and the bad portion destroyed or denatured.

HOWARD M. GORE, *Secretary of Agriculture.*

12614. Misbranding of butter. U. S. v. The Northern Colorado Dairy Co., a Corporation. Plea of guilty. Fine, \$30 and costs. (F. & D. No. 18586. I. S. No. 11340-v.)

On June 20, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Northern Colorado Dairy Co., a corporation, Brighton, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about December 10, 1923, from the State of Colorado into the State of Texas, of a quantity of butter which was misbranded. The article was labeled in part: (Carton) "One Lb. Net Wt. Circle Seal Brand Fancy Creamery Butter."

Examination of 120 packages of the article by the Bureau of Chemistry of this department showed that the average net weight of the product examined was 15.78 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Lb. Net Wt.," borne on the packages containing the article, was false and misleading in that the said statement represented that each of the said packages contained 1 pound net of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 28, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$30 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12615. Adulteration and misbranding of butter. U. S. v. The Northern Colorado Dairy Co., a Corporation. Plea of guilty. Fine, \$45. (F. & D. No. 18369. I. S. No. 11898-v.)

On June 20, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Northern Colorado Dairy Co., a corporation, Brighton, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about November 5, 1923, from the State of Colorado into the State of Texas, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "One Lb. Net Wt. Circle Star Brand * * * Butter."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the said samples contained 79.4 per cent of butterfat. Examination of 150 cartons of the product by said bureau showed that the average net weight of the product examined was 15.61 ounces.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, for the further reason that a valuable constituent of the article, to wit, milk fat, had been in part abstracted, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements, to wit, "Butter" and "One Lb. Net Wt.," borne on the packages containing the article, were false and misleading in that the said statements represented that the article consisted wholly of butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, and that each of the packages contained 1 pound net weight of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter and that each of the said packages contained 1 pound thereof, whereas, in truth and in fact, it did not consist wholly of butter but did consist of a product deficient in milk fat, each of said packages did not contain 1 pound net weight of butter but did contain a less amount, and the said article was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 23, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed of fine of \$45.

HOWARD M. GORE, *Secretary of Agriculture.*

12616. Misbranding of butter. U. S. v. The Logan County Creamery Co., a Corporation. Plea of guilty. Fine, \$75 and costs. (F. & D. No. 18479. I. S. Nos. 11920-v, 11921-v, 11922-v.)

On June 20, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Logan

County Creamery Co., a corporation, Sterling, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about December 17, 18, and 19, 1923, respectively, from the State of Colorado into the State of Wyoming, of quantities of butter which was misbranded. The article was labeled in part: "Logan County Creamery Butter * * * One Pound Net Weight The Logan County Creamery Sterling, Colorado."

Examination by the Bureau of Chemistry of this department of 120 packages from each of the consignments showed that the average net weight of the packages was 15.7 ounces, 15.79 ounces, and 15.82 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the article, was false and misleading in that the said statement represented that the said packages contained 1 pound net of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained 1 pound net of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 28, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12617. Misbranding of butter. U. S. v. Isleton Butter Co., a Corporation. Plea of guilty. Fine, \$303. (F. & D. No. 17608. I. S. Nos. 8679-v, 8685-v, 8697-v.)

On or about November 19, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Isleton Butter Co., a corporation, San Francisco, Calif., alleging shipment by said company, in violation of the food and drug act as amended, in various consignments, namely, on or about February 21, February 27, and March 13, 1923, respectively, from the State of California into the Territory of Hawaii, of quantities of butter which was misbranded. The article was labeled in part: "Isleton Butter * * * Net Weight One Pound."

Examination by the Bureau of Chemistry of this department of samples from each of the consignments showed that the average net weight of the said samples was 15.76 ounces, 15.76 ounces, and 15.7 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight One Pound," borne on the packages containing the article, was false and misleading in that the said statement represented that each of the packages contained 1 pound net weight of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net weight of butter, whereas, in truth and in fact, each of the packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 1, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$303.

HOWARD M. GORE, *Secretary of Agriculture.*

12618. Adulteration of hay. U. S. v. 111 Bales of Hay. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18168. I. S. No. 900-v. S. No. E-4640.)

On December 18, 1923, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 111 bales of hay, at Duncan, S. C., alleging that the article had been shipped by J. H. Colgrove Co., Cameron, N. Y., on or about October 26, 1923, and transported from the State of New York into the State of South Carolina, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On February 21, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture*.

12619. Adulteration and misbranding of wheat gray shorts and screenings. U. S. v. 166 Sacks and 337 Sacks of Wheat Gray Shorts and Screenings. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 731-C. I. S. No. 12316-v. S. No. C-4315.)

On February 25, 1924, the United States attorney for the District of Kansas, acting upon a report by the Kansas State Board of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 503 sacks of wheat gray shorts and screenings, at Fort Scott, Kansas, alleging that the article had been shipped by the Kansas Flour Mills Co. from North Kansas City, Mo., on or about January 31, 1924, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "100 Lbs. When Packed Wheat Gray Shorts & Screenings Not exceeding 8% of Screenings. Guaranteed Analysis Protein, not less than 16.00% * * * Fiber, not more than 6.5%. Licensed and Registered by The Kansas Flour Mills Company, Kansas City, Missouri."

Adulteration of the article was alleged in the libels for the reason that ground bran had been substituted in part for gray shorts.

Misbranding was alleged in substance for the reason that the statement on the label to the effect that the article contained not more than 6.5 per cent of fiber was false, for in truth and in fact the article contained more than 6.5 per cent of fiber. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, so as to deceive and mislead the purchaser thereof, and for the further reason that it was in package form and the contents were not correctly stated on the outside of the said package.

On March 7, 1924, The Kansas Flour Mills Co., Kansas City, Mo., claimant, having consented to the entry of a decree, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$750, in conformity with section 10 of the act, conditioned in part that it be rebranded.

HOWARD M. GORE, *Secretary of Agriculture*.

12620. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18863. I. S. No. 13184-v. S. No. E-4888.)

On or about July 18, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 tubs of butter, consigned on or about July 8, 1924, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Cooperative Creamery Assoc. from Big Rapids, Mich., and transported from the State of Michigan into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that substances deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, butter.

On September 2, 1924, the Farmers Cooperative Creamery Assoc., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon

payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12621. Misbranding of butter. U. S. v. Ravenna Creamery Co., a Corporation. Plea of guilty. Fine, \$40. (F. & D. No. 18588. I. S. No. 12101-v.)

On July 15, 1924, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ravenna Creamery Co., a corporation, Ravenna, Nebr., alleging shipment by said company in violation of the food and drugs act as amended, on or about December 15, 1923, from the State of Nebraska into the State of Wyoming, of a quantity of butter which was misbranded. The article was labeled in part: "Standard of Excellence Ravenna Creamery Co. Ravenna, Nebraska * * * One Pound Net Weight."

Examination by the Bureau of Chemistry of this department of 120 packages of the article showed that the average net weight of the product examined was 15.7 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the said article, was false and misleading in that the said statement represented that each of the packages contained 1 pound net weight of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net weight of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 26, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

HOWARD M. GORE, *Secretary of Agriculture.*

12622. Misbranding of assorted jellies. U. S. v. 58 Cases of Assorted Jellies. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17372. I. S. Nos. 7685-v, 7686-v, 7687-v, 7688-v, 7689-v. S. No. W-1354.)

On April 4, 1923, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and on September 12, 1923, an amended libel, praying the seizure and condemnation of 58 cases of assorted jellies remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Lakeside Preserving Co., from Chicago, Ill., on or about November 10, 1922, and transported from the State of Illinois into the State of Utah, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Colonial Brand Pure Fruit Jelly Apple And Strawberry" (or "Apple And Currant," or "Apple And Grape," or "Apple And Raspberry," or "Apple").

Misbranding of the article was alleged in the libel as amended for the reason that the statements on the labels, "Pure Fruit Jelly" and "Apple And Strawberry," or "Apple And Currant," or "Apple And Grape," or "Apple," or "Apple And Raspberry," as the case might be, were false and misleading and deceived and misled the purchaser.

On October 4, 1923, the Lakeside Preserving Co., Chicago, Ill., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12623. Adulteration and misbranding of corn meal. U. S. v. Mayo Milling Co., Inc., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 17911. I. S. Nos. 1040-v, 2728-v.)

On or about January 3, 1924, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed

in the District Court of the United States for said district an information against the Mayo Milling Co., Inc., a corporation, Richmond, Va., alleging shipment by said company, in violation of the food and drugs act as amended, on or about March 21, 1923, from the State of Virginia into the State of Pennsylvania, and on or about April 4, 1923, from the State of Virginia into the District of Columbia, of quantities of corn meal, a portion of which was adulterated and misbranded and the remainder of which was misbranded. A portion of the article was labeled in part: (Sack) "Mayo Milling Company Inc. * * * Bolted Old Process Meal * * * Richmond, Va. 100 Lbs. Net When Packed." The remainder of the said article was labeled in part: (Package) "2 Lbs. Net When Packed Old Virginia Bolted White Corn Table Meal Mayo Milling Co. Inc Richmond, Virginia."

Examination by the Bureau of Chemistry of this department of the consignment shipped March 21, 1923, showed that it contained 15.3 per cent of moisture and that 20 sacks weighed on an average 99.1 pounds net. Examination by said bureau of 100 packages from the other consignment showed an average net weight of 1 pound and 14.84 ounces.

Adulteration of the product consigned March 21, 1923, was alleged in the information for the reason that a substance, to wit, moisture, had been mixed and packed with the article so as to lower, and reduce, and injuriously affect its quality and strength and for the further reason that a substance, to wit, excessive moisture, had been substituted for meal, which the article purported to be.

Misbranding was alleged in the information with respect to both consignments of the product for the reason that the statement, to wit, "100 Lbs. Net," borne on the sacks in one consignment, and the statement, to wit, "2 Lbs. Net," borne on the packages of the other consignment, were false and misleading in that the said statements represented that the said sacks and packages contained 100 pounds net or 2 pounds net, as the case might be, of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the sacks and packages contained 100 pounds net or 2 pounds net, as the case might be, of the article, whereas, in truth and in fact, each of said sacks and packages contained less than the amounts declared on the respective labels. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 10, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

12624. Adulteration and misbranding of Grogan mineral water. U. S. v. Arthur W. Canfil (Grogan Wells and Boone Institute of Massage and Canfil's Healthatorium). Plea of guilty. Fine, \$50. (F. & D. No. 11956. I. S. No. 5763-r.)

On July 19, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Arthur W. Canfil, trading as Grogan Wells and Boone Institute of Massage and as Canfil's Healthatorium, at Sweetwater, Texas, alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about January 1, 1919, from the State of Texas into the State of Missouri, of a quantity of Grogan mineral water which was adulterated and misbranded. The article was labeled in part: "Grogan Mineral Water * * * Grogan Wells and Boone Institute of Massage—Sweetwater, Tex."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that *B. coli* were present in small quantities of the water and that the principal dissolved mineral constituents, nitrate, chlorid, sulphate, and bicarbonate of sodium, magnesium, calcium, and iron, were present to the extent of 16,935 milligrams per liter.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, and [in] that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged in substance for the reason that certain statements appearing in the labels of the bottles containing the article, together with the design of a young warrior labeled "Grogan," standing in a position of victory over a representation of an old man labeled "Disease," with the legend borne

thereon, "Grogan Conquers Disease," falsely and fraudulently represented that the said article was effective as a treatment, remedy, and cure for rheumatism, gastro-intestinal disorders, and all liver and kidney troubles, whereas, in fact and in truth, it contained no ingredients or medicinal agents capable of producing the curative and therapeutic effects claimed.

On October 8, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

12625. Adulteration of frozen egg white. U. S. v. 142 Tins of Frozen Egg White. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18692. I. S. No. 13148-v. S. No. E-4843.)

On June 9, 1924, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 142 30-pound tins of frozen egg white, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by the Beatrice Creamery Co., Philadelphia, Pa., on or about April 20, 1924, and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On August 7, 1924, the Fox River Butter Co., Jersey City, N. J., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12626. Misbranding of butter. U. S. v. 5 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18924. I. S. No. 7754-v. S. No. W-1546.)

On August 5, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of five 60-pound boxes of butter, consigned by Bradner Co., Seattle, Wash., alleging that the article had been delivered for shipment from the State of Washington into the Territory of Alaska, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "One Pound Net."

Misbranding of the article was alleged in the libel for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 5, 1924, Bradner Co., Seattle, Wash., having appeared as claimant for the property and having confessed judgment, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, and it was further ordered by the court that the product be relabeled under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12627. Adulteration of butter. U. S. v. 27 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18896. I. S. No. 17773-v. S. No. C-4440.)

On July 21, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 27 tubs of butter, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the Meriden Creamery Co. from Kansas City, Mo., June 28, 1924, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the article, and for the further reason that a valuable constituent, to wit, butterfat, had been in part abstracted from the said article.

On August 2, 1924, Cromer and Cossitt, Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12628. Misbranding and adulteration of food sweetener. U. S. v. 10-Pound Can of Food Sweetener. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 13672. I. S. No. 10253-t. S. No. W-767.)

On September 9, 1920, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of one 10-pound can of food sweetener, remaining in the original unbroken packages at Ogden, Utah, alleging that the article had been shipped by the W. B. Wood Mfg. Co., from St. Louis, Mo., on or about July 15, 1920, and transported from the State of Missouri into the State of Utah, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wood's Special Concentrated Sweetener * * * W. B. Wood Mfg. Co. 10 Lbs. Net."

Adulteration of the article was alleged in the libel for the reason that starch and saccharin had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it contained an added poisonous or deleterious ingredient, saccharin, which rendered it injurious to health.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the label was false and misleading.

On February 9, 1924, the case having come on for trial before the court and no one appearing for the claimant, after the submission of evidence, a decree of the court was entered, finding the product to be misbranded and ordering its condemnation, forfeiture, and destruction.

HOWARD M. GORE, *Secretary of Agriculture.*

12629. Adulteration and misbranding of butter. U. S. v. 10 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 18950. I. S. No. 19028-v. S. No. C-4463.)

On August 16, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 boxes, each containing 30 one-pound prints of butter, at Chicago, Ill., alleging that the article had been shipped by the D. E. Wood Butter Co., from Evansville, Wis., August 11, 1924, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Monogram Brand Elgin Quality Creamery Butter. The D. E. Wood Butter Co., Evansville, Wis. One Pound."

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

Misbranding was alleged for the reason that the prints were labeled, "One Pound," which statement was false and misleading and deceived and misled the purchaser in that the said prints weighed less than one pound.

On August 23, 1924, the D. E. Wood Butter Co., Evansville, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be reprocessed, under the supervision of this department, to bring it up to not less than 80 per cent of milk fat.

HOWARD M. GORE, *Secretary of Agriculture.*

12630. Adulteration and alleged misbranding of caviar. U. S. v. 6 Cases, et al., of Caviar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18911. I. S. Nos. 20405-v, 20406-v, 20407-v. S. No. W-1551.)

On August 19, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 cases, each containing 6 dozen cans and $5\frac{1}{2}$ dozen cans $1\frac{1}{2}$ -ounce size, 84 cans 3-ounce size, and 45 cans 6-ounce size, of caviar, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Wm. Haaker Co., from New York, N. Y., in part October 10, 1923, and in part April 17, 1924, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Prime Dittmann Caviar Packed at New York By Wm. Haaker Co."

Adulteration of the article was alleged in the libel for the reason that a substance, roe other than that of sturgeon, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Prime Caviar," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On September 10, 1924, Schumacher Bros., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product to be adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12631. Adulteration and misbranding of butter. U. S. v. 116 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released to claimant to be reworked upon execution of bond or deposit of collateral. (F. & D. No. 18904. I. S. No. 19018-v. S. No. E-3938.)

On August 13, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 116 tubs of butter, consigned by Golden Valley Creamery, Golden Valley, N. D., remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from Golden Valley, N. D., on or about July 29, 1924, and transported from the State of North Dakota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs acts as amended.

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 4, 1924, Fitch Cornell & Co., New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,400, or the deposit of collateral in an equal amount, conditioned in part that the said product be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12632. Misbranding of canned tomatoes. U. S. v. 400 Cases of Canned Tomatoes. Judgment ordering product released under bond. (F. & D. Nos. 18274, 18275. I. S. No. 16502-v. S. No. E-4726.)

On January 26, 1924, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 cases of canned tomatoes, at Greensboro, N. C., alleging that the article had been shipped by Arrington Bros., Montvale, Va., October 20, 1923, and transported from the State of Virginia into the State of North Carolina, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Smyrna Special Brand Tomatoes Contents 2 Pounds Packed By Arrington Bros., Montvale, Va."

Misbranding of the article was alleged in the libel for the reason that the statement, "Contents 2 Pounds," was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 10, 1924, the Veazy Chambers Co. and Patterson Bros., Greensboro, N. C., having appeared as claimants for respective portions of the article, and the said claimants having paid the costs of the proceedings and executed a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product should be relabeled, and the product having been delivered to the claimant, it was ordered by the court that the case be dismissed.

HOWARD M. GORE, *Secretary of Agriculture.*

12633. Adulteration and misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17038. I. S. No. 3168-v. S. No. E-1243.)

On December 18, 1922, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 sacks of cottonseed meal, remaining in the original unbroken packages at Jacksonville, Fla., consigned by the Empire Cotton Oil Co., Cordele, Ga., alleging that the article had been shipped from Cordele, Ga., on or about November 20, 1922, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance low in protein had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was labeled, "Cottonseed Meal Guaranteed Analysis Protein 36%," which statement was false and misleading and deceived and misled the purchaser, since the said product was deficient in protein. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On January 11, 1923, Seals & Webster, Jacksonville, Fla., having appeared as claimant for the property, judgment of condemnation was entered and it was ordered by the court that the product should be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that if it be sold or disposed of in any form or branding, said branding should accurately and correctly describe the said product.

HOWARD M. GORE, *Secretary of Agriculture.*

12634. Alleged misbranding of unbolted meal. U. S. v. 361 Sacks of Ground Unbolted Meal. Product released upon payment of costs. (F. & D. No. 18547. I. S. No. 7413-v. S. No. C-4021.)

On April 9, 1924, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 361 sacks of ground unbolted meal, remaining in the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped by the City Mills Co., from Columbus, Ga., March 8, 1924, and transported from the State of Georgia into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Pearce's Old Style Water Ground Unbolted Meal From City Mills Co. Columbus, Ga. Water Ground 96 Lbs. When packed" (or "48 Lbs. When Packed" or "24 Lbs. When Packed").

Misbranding of the article was alleged in the libel for the reason that the respective statements, "96 Lbs.," "48 Lbs.," and "24 Lbs. when packed," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 15, 1924, the sacks having been rebranded to show the exact weight and the court having determined that the shortage of from 1 to 3 pounds in each 96 pounds was so slight as to be almost if not altogether negligible and that the product was not misbranded or adulterated, it was ordered by the court that the product be delivered to the claimants, Schloss & Kahn Grocery Co., Montgomery, Ala., and that the claimants pay the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12635. Adulteration and misbranding of canned oysters. U. S. v. 42 Cases of Oysters. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18535. I. S. No. 7412-v. S. No. C-4326.)

On May 15, 1924, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 42 cases of oysters, remaining in the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped by E. C. Joulilian Packing Co., from Lakeshore, Miss., February 29, 1924, and transported from the State of Mississippi into the State of Alabama, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Lord Baltimore Brand Oysters Net Weight Contents 5 Oz. Packed By E. C. Joulilian Packing Co. Lake Shore, Miss."

It was alleged in substance in the libel that a substance, excessive brine, had been mixed and packed with and substituted wholly or in part for the said article, in violation of sections 7 and 8 of the said act.

On July 29, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12636. Adulteration and misbranding of cottonseed meal. U. S. v. 670 Sacks, et al., of Cottonseed Meal. Default decrees ordering product sold. (F. & D. Nos. 18594, 18625. I. S. Nos. 18226-v. 18228-v. S. Nos. C-4026, C-4027.)

On April 17 and April 24, 1924, respectively, the United States attorney for the Middle District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 740 sacks of cottonseed meal, remaining in the original unbroken packages in part at Hartford, Ala., and in part at Dothan, Ala., alleging that the article had been shipped by the Planters Oil Co., from Albany, Ga., in part February 27, and in part March 22, 1924, and transported from the State of Georgia into the State of Alabama, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "99 Pounds Net Standard Cottonseed Meal Guaranteed Analysis, Protein 36%, Ammonia 7%."

Adulteration of the article was alleged in substance in the libels for the reason that a substance low in ammonia had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement, "Standard Cottonseed Meal Guaranteed Analysis Protein 36%, Ammonia 7%," was false and misleading and deceived and misled the purchaser.

On May 29, 1924, 35 sacks of the product having been seized and no claimant having appeared therefor, judgments of the court were entered, finding the product to be adulterated and misbranded and ordering that it be sold by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12637. Adulteration and misbranding of cottonseed meal. U. S. v. 250 Sacks of Cottonseed Meal. Product released under bond to be used for fertilizer. (F. & D. No. 17215. I. S. No. 3403-v. S. No. E-4300.)

On January 31, 1923, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 sacks of cottonseed meal at Hendersonville, N. C., alleging that the article had been shipped by the Southern Cotton Oil Co., Waynesboro, Ga., December 27, 1922, and transported from the State of Georgia into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "100 Lbs. Good Cotton Seed Meal * * * Guaranteed Analysis Protein, not less than 36%."

Adulteration of the article was alleged in the libel for the reason that a product deficient in protein had been mixed and packed therewith and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the labels bore the statement, "Good Cotton Seed Meal Guaranteed Analysis Protein, not less than 36%," which was false and misleading and deceived and misled the purchaser.

On August 1, 1923, the Southern Cotton Oil Co., claimant, having paid the costs of the proceedings and executed a bond in the sum of \$1,000, in conformity with section 10 of the act, judgment of the court was entered, ordering that the product be released to the said claimant to be used for fertilizer purposes.

HOWARD M. GORE, *Secretary of Agriculture.*

12638. Adulteration and alleged misbranding of canned salmon. U. S. v. 239 Cases of Canned Salmon. Default decree of condemnation and forfeiture. Product disposed of for fish food. (F. & D. No. 14388. I. S. No. 10541-t. S. No. W-856.)

On January 31, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 239 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Central Alaska Fisheries, Inc., from Drier Bay, Alaska, and transported from the Territory of Alaska into the State of Washington, reaching Seattle on or about August 30, 1920, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Pal Brand Superior Firm Flake Red Alaska Salmon * * * packed * * * By Central Alaska Fisheries, Inc., At Drier Bay, Prince William Sound, Alaska Home Office, Berkeley, California."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the statements on the label, "Superior Firm Flake Red Alaska Salmon * * * Packed for the Best Trade," were false and misleading and deceived and misled the purchaser.

On June 16, 1924, no claimant having appeared for the property, judgment of the court was entered, finding the product to be adulterated, and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be sold to the Washington State Fisheries Department to be used as fish food.

HOWARD M. GORE, *Secretary of Agriculture.*

12639. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18828. I. S. No. 16839-v. S. No. E-4912.)

On July 2, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned June 23, 1924, alleging that the article had been shipped by the Lincoln Creamery Co., Lincoln, Vt., and transported from the State of Vermont into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the name of another article, to wit, butter.

On July 8, 1924, the Goldsmith-Stockwell Co., Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12640. Misbranding of olive oil. U. S. v. 45 Cans and 40 Cans of Olive Oil. Decree entered ordering product released under bond to be relabeled. (F. & D. No. 17846. I. S. Nos. 11517-v, 11518-v. S. No. W-1423.)

On October 13, 1923, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 45 1-quart cans and 40 half-gallon cans of olive oil remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by N. G. Makris Co., from St. Johns Park, N. Y., on or about March 8, 1923, and transported from the State of New York into the State of Utah, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Makris Brand Imported Lucca Olive Oil Extra Quality Guaranteed Pure Net Contents One Quart" (or "Net Contents Half Gallon") "B. G. Makris Importer & Packer, Lucca, Italy-France-N. Y. U. S. A."

Misbranding of the article was alleged in the libel for the reason that the statements, "Net Contents One Quart" and "Net Contents Half Gallon," borne on the labels on the respective sized cans, were false and misleading in that the net contents of the said cans were not 1 quart or one-half gallon, as the case might be. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 7, 1924, N. G. Makris, New York, N. Y., claimant, having paid the costs of the proceedings and having executed a bond in the sum of \$500, in conformity with section 10 of the act, a decree of the court was entered, finding the product to be misbranded and ordering that it be released to the claimant to be relabeled under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12641. Adulteration of walnut meats. U. S. v. 20 Boxes of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 18175, 18176, 18177. I. S. Nos. 20755-v, 20756-v, 20757-v. S. No. W-1453.)

On December 18, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 boxes of walnut meats remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Davis Nut Shelling Co. from Los Angeles, Calif., November 9, 1923, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On July 14, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12642. Misbranding of sweet potatoes. U. S. v. 630 Baskets of Sweet Potatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18432. I. S. No. 12134-v. S. No. W-1484.)

On February 29, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 630 baskets of sweet potatoes remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the H. Rouw Co. from Alexander, Ark., February 2, 1924, and transported from the State of Arkansas into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "PortoRicans" (or "Nancy Hall") "This Package Contained 50 Pounds Net When Packed The H. Rouw Co."

Misbranding of the article was alleged in the libel for the reason that the statement appearing on the labels, "This Package Contained 50 Pounds Net When Packed," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 12, 1924, Charles Campodonico, San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,638, in conformity with section 10 of the act, conditioned in part that the product be made to comply with the law to the satisfaction of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12643. Adulteration of butter. U. S. v. 60 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 18841. I. S. No. 12962-v. S. No. E-4879.)

On July 2, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 60 tubs of butter remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the McDougall Warehouse Co., Port Huron, Mich., June 25, 1924, and transported from the State of Michigan into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted in part for the said article.

On August 15, 1924, Charles P. Mecabe & Son, New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,200, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12644. Adulteration of evaporated milk. U. S. v. 301 Cases of Evaporated Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17862. I. S. No. 17523-v. S. No. C-3129.)

On or about November 8, 1923, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 301 cases of evaporated milk remaining in the original unbroken packages at Davenport, Iowa, alleging that the article had

been shipped by Wakem & McLaughlin Co., from Chicago, Ill., on or about November 16, 1922, and transported from the State of Illinois into the State of Iowa, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Bountiful Brand Evaporated Milk."

Adulteration of the article was alleged in the libel for the reason that it was an animal substance and was in whole or in part filthy, decomposed, and putrid.

On April 23, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12645. Misbranding of cottonseed meal and cake. U. S. v. Algernon Roberts, John S. Le Clercq, and John J. Culbertson, Jr. (Prairie Cotton Oil Co.). Pleas of guilty. Fine, \$300 and costs. (F. & D. No. 17935. I. S. Nos. 10440-v, 10441-v, 10442-v.)

On April 12, 1924, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Algernon Roberts, John S. Le Clercq, and John J. Culbertson, Jr., trading as the Prairie Cotton Oil Co., Chickasha, Okla., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, namely, on or about October 30, November 2, and November 7, 1922, respectively, from the State of Oklahoma into the State of Kansas, of quantities of cottonseed meal and cake which were misbranded. The articles were labeled variously in part: (Tag) "Chickasha Prime" Cottonseed Cake or Meal Guaranteed Analysis: Protein, not less than 43 per cent," "Chickasha Quality" Cottonseed Cake or Meal Guaranteed Analysis: Protein, not less than 43 per cent Crude Fat, not less than 6 per cent," and "43% Cotton Seed Cake or Meal Prairie Cotton Oil Company * * * Chickasha, Oklahoma Guaranteed Analysis Protein, not less than 43 per cent."

Analysis of a sample from each of the consignments by the Bureau of Chemistry of this department showed that the said samples contained 40.98, 41.49, and 39.84 per cent, respectively, of crude protein. Analysis of a sample of the "Chickasha Quality" cake or meal by said bureau showed that it contained 5.68 per cent of crude fat.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis is: Protein, not less than 43 per cent" and "43% Cotton Seed Cake or Meal," borne on the tags attached to the sacks containing the product consigned October 30, 1922, the statement, to wit, "Guaranteed Analysis: Protein, not less than 43 per cent," borne on the tags attached to the sacks containing the product consigned November 2, 1922, and the statement, to wit, "Guaranteed Analysis: Protein, not less than 43 per cent, Crude Fat, not less than 6 per cent," borne on the tags attached to the sacks containing the article consigned November 7, 1922, were false and misleading in that the said statements represented that the articles contained not less than 43 per cent of protein, and that the product consigned November 7, 1922, contained not less than 6 per cent of crude fat, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 43 per cent of protein, and that the product consigned November 7, 1922, contained not less than 6 per cent of crude fat, whereas, in truth and in fact, the said article contained less than 43 per cent of protein, and the product consigned November 7, 1922, contained less than 6 per cent of crude fat.

On July 12, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$300 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12646. Adulteration of chloroform. U. S. v. 60 Cans, et al., of Chloroform. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16531, 16532, 16533. S. Nos. E-4003, E-4006, E-4007.)

On July 5, 1922, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 80 cans of chloroform, remaining in the original unbroken packages at Atlanta and Marietta, Ga., alleging that the article had been shipped from New York, N. Y., in part March 2, 1922, in part May 4, 1922,

and in part May 9, 1922, and transported from the State of New York into the State of Georgia, and charging adulteration in violation of the food and drugs act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained impurities decomposable by sulphuric acid and chlorinated decomposition products.

Adulteration of the article was alleged in the libels for the reason that it was sold by a name, to wit, "chloroform," recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopœia official at the time of investigation.

On July 26, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12647. Adulteration of butter. U. S. v. 32 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 18808. I. S. No. 13160-v. S. No. E-4873.)

On June 30, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 32 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Paynesville Watkins, from Maple Lake, Minn., June 9, 1924, and transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

On July 16, 1924, H. W. Flemming, Cokato, Minn., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$800, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12648. Adulteration of frozen mixed eggs. U. S. v. 395 Cases of Frozen Mixed Eggs. Consent decree of condemnation and forfeiture. Product released under bond to be salvaged. (F. & D. No. 18381. I. S. No. 13128-v. S. No. E-4734.)

On February 13, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 395 cases of frozen eggs, at New York, N. Y., alleging that the article had been shipped by the Omaha Cold Storage Co. from Omaha, Nebr., November 19, 1923, and transported from the State of Nebraska into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 10, 1924, the Omaha Cold Storage Co., Omaha, Nebr., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion and the latter destroyed or denatured.

HOWARD M. GORE, *Secretary of Agriculture.*

12649. Adulteration and misbranding of cottonseed meal. U. S. v. 300 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18230. I. S. No. 2935-v. S. No. E-4707.)

On January 8, 1924, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 sacks of cottonseed meal, at Lawrenceville, N. J., alleging that the article had been shipped by the Robeson Mfg. Co., Lumberton, N. C., on or about November 19, 1923, and transported from the State of North Carolina into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "100 lbs., Net Paramount Brand Good Cotton Seed Meal * * * Guaranteed Analysis Protein (Minimum) 36.00% Ammonia (Minimum) 7.00% * * * Ingredients: Made from upland cotton seed."

Adulteration of the article was alleged in the libel for the reason that a product low in protein and ammonia had been substituted wholly or in part for good cottonseed meal containing a minimum protein of 36 per cent and a minimum ammonia of 7 per cent, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Good Cotton Seed Meal Guaranteed Analysis Protein (Minimum) 36.00% Ammonia (Minimum) 7.00%," appearing in the labeling, were false and misleading and deceived and misled the purchaser in that it was not good cottonseed meal, with a minimum of 36 per cent of protein and a minimum of 7 per cent of ammonia, but was a cottonseed feed containing less than 36 per cent of protein and less than 7 per cent of ammonia.

On April 2, 1924, the Ashcraft-Wilkinson Co., Atlanta, Ga., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be properly rebranded.

HOWARD M. GORE, *Secretary of Agriculture.*

12650. Adulteration and misbranding of butter. U. S. v. 76 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 18897. I. S. No. 13261-v. S. No. E-4951.)

On July 25, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 76 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Glen Ullin Creamery Co., Glen Ullin, N. D., July 1, 1924, and transported from the State of North Dakota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, butter.

On August 21, 1924, Trelease & Underhill, New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

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United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12651-12700

[Approved by the Secretary of Agriculture, Washington, D. C., February 16, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

12651. Misbranding of Plough's Prescription C-2223. U. S. v. 3 Dozen Bottles et al. of Plough's Prescription C-2223. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17325, 17340, 17341. I. S. Nos. 4876-v, 4877-v, 4879-v. S. Nos. C-3918, C-3919, C-3920.)

On March 6 and 9, 1923, respectively, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 11 dozen bottles of Plough's Prescription C-2223, at Cincinnati, Ohio, consigned by the Plough Chemical Co., from Memphis, Tenn., in various consignments, namely, on or about August 12 and November 20, 1922, and January 19, 1923, respectively, alleging that the article had been shipped from Memphis, Tenn., and transported from the State of Tennessee into the State of Ohio, and charging misbranding in violation of the food and drug acts as amended. The article was labeled in part: (Bottle) "A Blood Purifier Recommended For Treatment Of Rheumatism * * * In Severe Cases, take * * * until relieved;" (circular) "A Reliable Blood Purifier A Treatment for Rheumatism * * * Sciatica, Lumbago, Lame Back, Blood Disorders, Eczema, Chronic Sores and Similar Diseases Caused by Bad Blood * * * In the treatment of Scrofula, Rheumatism, certain Catarrhal Conditions, Hereditary Blood Taints, Diseases of the Bones, Ulcerous Sores, Prescription C-2223 has been recommended and used for many years. Helpless, unhappy persons who had given up all hope of relief, have found in this Blood Purifier a means of relief. Men, women and even children, whose energy has been sapped and their life almost wrecked, who were troubled with festering sores or tortured with rheumatic pains, have been relieved from the grip of these diseases, after the continued use of or treatment with Prescription C-2223. * * * 'In * * * conditions due to tainted blood, it acts as a specific.' * * * the most valuable remedy known in the treatment of rheumatism; it eases the pain, diminishes the fever—results are almost certain in acute * * * cases. * * * Prescription C-2223 has relieved * * * many thousands, suffering from Rheumatism * * * Lumbago, Sciatica, diseases due to tainted or impure blood, evidenced by chronic Sores, Scrofula, Eczema and other similar conditions of the skin." A portion of the bottles were contained in cartons labeled in part: "Blood Purifier Recommended for disorders caused by impure blood as Eczema, Chronic Sores and constitutional blood diseases. Rheumatism * * * Sciatica, Lumbago, Lame Back, Uric and Lactic Acid Conditions." The remainder of the said bottles were contained

in cartons labeled in part: "Rheumatism * * * Sciatica, Lumbago, Lame Back, Uric and Lactic Acid Conditions, Blood Disorders, Eczema, Chronic Sores and similar affections arising from bad blood."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted essentially of potassium iodide, extracts of plant drugs including colchicum, a trace of salicylic acid, anise flavor, glycerin, alcohol, and water.

Misbranding of the article was alleged in the libels for the reason that the bottle labels and accompanying cartons and circulars bore statements regarding the curative and therapeutic effects of the said article, which were false and fraudulent in that the article contained no ingredients or combination of ingredients capable of producing the effects claimed, and the article was insufficient of itself for the successful treatment and cure of the ailments and diseases for which it was prescribed and recommended in the said statements.

On July 18, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12652. Misbranding and alleged adulteration of coal-tar color. U. S. v. One Pound Can Coal-Tar Color. Case tried to the court without a jury. Judgment for Government. Product ordered condemned. Case carried to Circuit Court of Appeals on writ of error. Product adjudged misbranded but not adulterated. Judgment of condemnation affirmed. (F. & D. No. 14796. I. S. No. 3238-t. S. No. C-2965.)

On April 15, 1921, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and on July 30, 1921, an amended libel praying the seizure and condemnation of 1 pound can of coal-tar color, remaining in the original unbroken package at Waterloo, Ill., consigned by W. B. Wood Mfg. Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about March 18, 1921, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "1 Lb Net W. B. Wood Mfg. Co St. Louis, Mo. Warranted Complies With All Requirements Quality Color * * * Number 810 Contents Yellow."

Adulteration of the article was alleged in the libel for the reason that sodium chloride and sodium sulphate had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

Misbranding was alleged in the libel as amended in that the statement appearing on the can containing the article, "Warranted Complies With All Requirements Quality Color," was false and misleading and in that the said article was labeled so as to deceive and mislead the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On September 12, 1921, the W. B. Wood Mfg. Co. having appeared as claimant for the property and a jury having been waived, the case came on for trial before the court. After the submission of evidence and arguments by counsel, the court, on November 10, 1921, delivered the following opinion and judgment (English, D. J.):

"This suit was instituted by the Government by filing a libel charging that the particular can of coal-tar color which is libeled was shipped or transported in interstate commerce and that it remained unsold and in the original package as shipped at the time it was seized by the officers of the Government.

"It further charges that the color contained in this can was packed with or had mixed with it salt, sodium chloride, and sodium sulphate, so as to lower and reduce and injuriously affect the quality and strength of the coloring matter contained in the can. It also charges that the sodium chloride and sodium sulphate had been substituted wholly or in part for the coloring matter and that the label was not correct according to the composition of the contents of the can. It also charges that this can of coal-tar color contained an added poisonous and deleterious ingredient, arsenic, which rendered it injurious or may have rendered it injurious to health. The libel further alleges

that the statement or label borne on the can was false and misleading so as to deceive and mislead the purchaser or one seeking to buy it for use.

"This in effect states the entire charge or charges contained in the libel. This libel is based upon the statute of the United States commonly known as the food and drugs statute, and the particular section of the statute covering the questions raised and disputed in the libel are sections 8723 and 8724 of the General Statutes of the United States.

"It is shown by testimony and admitted by counsel that this particular can was put upon the market and offered for sale and purchased by the purchaser in this case for the purpose of using it in his confectionery for the coloring of ice-cream, soda water, lemonades and candy and cakes, etc; therefore, it comes under the first division referred to, which reads as follows as pertaining to coal-tar or other coloring matters for confectionery purposes: 'If it contain * * * poisonous color * * * or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.' As to foodstuffs, the same section of the statute provides: 'First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.'

"These two quotations are the ones that affect the questions relative to the deterioration and also the adding of a poisonous or deleterious substance so as to make a compound that may be injurious to health. The deleterious feature in this substance appeals more strongly to the court than any other feature in the libel and upon that question I have given more thought and more attention and investigation.

"The Government introduced the parties who know how this substance is prepared or how it may be prepared, this coloring matter, and gave the court some technical information along that line and in addition introduced Doctor Boos, one of the noted specialists, both as a physician and as a chemist and a man of research, as to the feature of the alleged poisonous character of the substance found in this can. Doctor Boos appealed to the court most strongly from a practical and technical point of view, more so than any of the witnesses offered on behalf of the respondent upon this question, for the reason that the physicians who were called by the respondent testified from their observation as practicing physicians called in to administer to a patient in cases of emergency.

"I find by consulting some of the few most noted of the writers on this subject that I have been able to find, that poisonous substances of the kind here charged in this libel, to-wit, arsenic, is administered as of and out of necessity in cases of emergency, as perhaps all poisonous drugs and narcotics are, for the purpose of obtaining immediate results, and unless immediate results are had the one administering this poison draws the conclusion that there has been no effect produced at all upon the patient, but the same writers conclude that the necessary elements to be consumed by the human body contain all the various substances and poisons that would necessarily at some time or other, unless otherwise overcome, impair the vitality of the patient. The weight of opinion of these authorities appears to be that the human body already contains substantially all of the poisons of various kinds that our present state of longevity will permit and that anything of a poisonous character added to it becomes more or less deleterious to health or in effect tends to destroy or decrease the vitality of the human body. This evidently is the feature that Doctor Boos was discussing in his testimony, and we find [that] the definition given to the term deleterious not a new word. It is an old word and is taken in its ordinary meaning. I think Congress understood what it was passing upon, and that is the understanding this court has in passing upon the word deleterious. It may not be deleterious to the extent that its effect would be apparent immediately upon the one taking this substance into the system. The term deleterious means to hurt or damage, and anything that is deleterious is harmful and destroying. It is taken from the Latin word *delere*, which means to destroy; that is where we get the word deleterious—from the word destroy. A substance, therefore, that is deleterious has a tendency to destroy; if it is poisonous, it is harmful if permitted to be taken into the human body and while it is often administered by those called to relieve the sick in distress for the purpose of receiving immediate effect, such use is permitted only in emergency; otherwise Congress wouldn't deal with that feature of deleterious substances that might be utilized in coloring matter in foodstuffs. Doctor Boos says this may be deleterious, not that it will have immediate effect, but that the tendency is that it will and may have, added

to the other poisons in the system of the same character, and have effect upon the human body whereby it would decrease longevity.

"There is no reason why at this time of our great mental and physical development we need to add to our system unnecessarily more poisons than we already necessarily possess. The very air that we breathe is shown to be charged with a noxious poison known as arsenic; oftentimes the water we drink is charged with the same kind of a poison. Various other things that are necessary to be taken into the human body to sustain life are charged with similar poisons.

"This particular article about which Congress has legislated is that character of poison or character of confection or foodstuffs that are in the category pure and simple of luxuries. Congress might have had the power to have said that these confections or foodstuffs should possess absolutely no arsenic; it is shown in the evidence here that this particular color could have had extracted from it practically all of the poisonous substance contained therein that has been permitted by the department in putting out its regulations. It seems to me the department has allowed just about the maximum that should be permitted. It requires the poisonous substance to be reduced to the minimum amount that is practicable, but the amount contained in this particular can of preparation exceeded by far the amount the Government chemists have decided was best for the human system, and this they call permissible. It is true as contended by counsel for the respondent that the requirements put out by the Department of Agriculture upon this question are not the law, but they are a mighty good index for the court in passing upon these technical questions, especially so when they are of the importance and assume the dangerous magnitude that this particular preparation could reach if permitted to go unmolested.

"I am satisfied that the contention in the libel that this has in it stuff added that is deleterious, and that it is injurious or may be injurious to health when taken in the form of confections or foodstuffs, is well founded. It is not important and it is not really any of the court's business how that stuff came in there. It is argued by counsel both as to the charge of poisons contained in this preparation and the salt as well that they were necessarily used in the manufacture of this particular can of color and that therefore it has not been added. Now that might be true and yet this law is violated in the preparation of this particular can of color. Upon the question of the charge that this paint or coloring matter contains salt that destroys the effect or lessens the power or the efficiency of the coloring matter, it is argued by counsel for the respondent that this salt that is alleged to have been added or packed with the coloring matter was utilized for the purpose of precipitating the coloring matter that was in the liquid, so as it could be separated; that is, by putting salt into the liquid in which this coloring matter was formed or contained, brought about by a mixture of certain acids, this salt caused this coloring matter to go to the bottom of the vessel in which the liquid was found and then was separated and the salt remained in the color.

"As I recall the evidence given by men who testified upon the necessity of the use of salt, 30 per cent was about the maximum amount that any of them were willing to admit was necessary to the proper precipitation of the coloring matter in this liquid. The record in this case shows that there was salt to an amount of 43 per cent, which is something like 12 or 13 per cent in excess of the necessary amount. Now the court is not adopting the rule that 30 per cent salt would not be a violation of this law, but 30 per cent being the largest amount necessary to bring about the precipitation and being 12 or 13 per cent less than the amount of salt found in this particular can, necessarily leads to the conclusion that there was more salt in it than was reasonably necessary and therefore that much was added to it and the only logical conclusion is that it destroys or lessens the efficiency or the power of this color to produce its effect when mixed with other liquids.

"The demonstrations that were made before the court would teach that if we didn't already know it. Salt might be necessary to an extent, and salt as coloring matter to an extent is tolerated by the Government department, but that simply is for the purpose of permitting these men to engage in business, and it is not a guarantee it is not a violation of the law. We do have to have a standard to determine just how much or how little salt may be added to this same coloring matter and how much higher quality of coloring matter can be produced without any salt whatever; testimony shows simply by the cooling or freezing process when it is frozen or the temperature is lowered, coloring

matter goes to the bottom of the container and is more easily separated and there is no salt necessary in cases of that sort.

"The opinion of the court is that the brand or label upon this particular can was not such a branding as would advise the public or those seeking to purchase it as is required by law as to what its contents might be. The wording of this particular brand seems to be rather technical in a way and designed for the purpose of evading the spirit of this law as to branding of color. There is nothing in the law that prescribes just what the wording of the brands must be, but the spirit of the law is that goods when permitted to go on the market must be branded in a way that will not be misleading. The particular brand in this case was 'warranted comply with all requirements quality color.' As to 'all requirements,' it was argued very strenuously that such requirements meant the requirements of the Statute of the United States. Maybe it did; nevertheless that might be misleading because, as the court has indicated, it is a false brand. If it is the law of the United States, the requirements that are to be met by this brand, then this can of composition is misbranded, because it is not what it purports to be as set forth upon the brand. It appears from the evidence here that the purchaser generally knew or understood that the requirements meant the requirements of the department and not the requirements by the statute. They were buying it according to the requirements put forth in the circulars of the department.

"Therefore, the opinion of the court is:

"(1) That the can of coal-tar color libeled in this case passed in interstate commerce and remained within the jurisdiction of this court unsold and in the original and unbroken package.

"(2) That sodium chloride and sodium sulphate had been mixed and packed with the coloring matter in said can so as to lower and reduce and injuriously affect its quality and strength.

"(3) That sodium chloride and sodium sulphate had been substituted wholly or in part for quality color, which the label on the can purported the article to be.

"(4) That the can of coal-tar color libeled contained an added poisonous or deleterious ingredient, to-wit, arsenic, which may render said article injurious to health.

"(5) That the statement borne on the label of the can, to-wit, "warranted comply with all requirements, quality color," is false and misleading and labeled so as to deceive and mislead the purchaser.

"The judgment of the court is that this can is liable to seizure, and the order of court is that it be seized, condemned, and confiscated in accordance with the provisions of section 10 of the food and drugs act."

On January 4, 1923, the claimant having perfected an appeal and the case having come up before the Circuit Court of Appeals for the Seventh Circuit on a writ of error, the Circuit Court of Appeals handed down an opinion sustaining the Government on one misbranding charge and affirming the judgment of condemnation entered by the District Court, but holding that the adulteration charges were not sustained, as will more fully and at large appear from the following opinion (Evans, *C. J.*):

"Judgment was rendered in the District Court in favor of defendant in error, libellant, confiscating certain coloring material, a product of coal-tar oil, after plaintiff in error had intervened and a trial on the merits had occurred. The issues were very much narrowed by the answer which admitted the manufacture and shipment of the objectionable material. Plaintiff in error denied that the coloring material was adulterated, denied adding poisonous or other deleterious ingredients injurious to health, and denied any misbranding of the commodity. The controverted issues were resolved in favor of the Government by the trial judge, who found:

"(1) That the can of coal-tar color libeled in this case passed in interstate commerce and remained within the jurisdiction of this court unsold and in the original and unbroken package.

"(2) That sodium chloride and sodium sulphate had been mixed and packed with the coloring matter in said can so as to lower and reduce and injuriously affect its quality and strength.

"(3) That sodium chloride and sodium sulphate had been substituted wholly or in part for quality color, which the label on the can purported the article to be.

"(4) That the can of coal-tar color libeled contained an added poisonous or deleterious ingredient, to-wit, arsenic, which may render said article injurious to health.

"(5) That the statement borne on the label of the can, to-wit, "Warranted comply with all requirements, quality color," is false and misleading and labeled so as to deceive and mislead the purchaser."

"The coloring is manufactured for bakers, ice cream manufacturers, and soft drink producers, and the Government chemist found it to consist of:

Sodium chloride	39.14%
Sodium sulphate	3.61%
Tartrazine	30.00%
Orange II	16.00%
Arsenic	20 parts per million.
Balance—moisture and heavy metals.	

"There are two kinds of color used in food—cochineal, which is rarely used and not here involved, and aniline color, which is the result of chemical combination produced by the mixture of two coal-tar derivatives. In its preparation it is necessary to use sulphanilic acid, which contains more or less arsenic trioxide.

"The judgment is predicated on (a) the presence of arsenic, (b) too much salt, and (c) false labeling.

"Concerning the presence of the arsenic in the product, plaintiff in error contends that unless the manufacturer adds the ingredient, arsenic, he is not liable under section 7, which provides the test, 'Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health.' Because of the word 'added,' it is urged that the finding should be in favor of plaintiff in error, for at no time was arsenic added to the coloring.

"It is further contended that the analysis fails to show arsenic in sufficient amount to render such article injurious to health.

"It is established by the evidence that the arsenic in the coloring matter is traced to sulphanilic acid, which was added to the coal-tar derivative, and without this acid there would be no arsenic, or at least none in objectionable quantities. We therefore reject this first contention, for in the manufacture of this food product the manufacturer introduced the sulphanilic acid. In other words, the acid containing the arsenic was added to the coal-tar product and therefore arsenic was 'added.'

"We are not satisfied, however, that arsenic in such quantity as to be injurious to health was present.

"The Government recognizes the impossibility of eliminating arsenic entirely. In fact, the testimony shows that the elimination of arsenic would be at most but a matter of degree. The Government certifies color when arsenic is present and when only slightly less than that found in the confiscated product.

"The evidence in the case does not present a disputed issue of fact but rather a difference between chemists over the meaning of the words 'deleterious ingredient, injurious to health.' In recognizing that a small quantity of arsenic is not injurious to health, the Government acknowledges that this term is a relative one. Arsenic is found in infinitesimal quantities in so many articles of food that it has been said that the air we breathe, the water we drink, the smoke and dust we inhale and all the foods we consume contain arsenic. If the term be an absolute one, then they would all be condemned. The quantity of arsenic found in this coloring material is so infinitesimal that when diluted as it is ordinarily used it would take years to produce 'a dose,' such as is ordinarily prescribed by physicians, 1/30 grain. In other words, one would be required to drink 150,000 bottles of soda before he would have consumed a quantity of arsenic sufficient to equal the 'dose.'

"It may be true that by further process the amount of this drug may be reduced, but complete elimination is impossible. The Congress has not assumed to define with absolute particularity what is or what is not injurious, and we cannot accept the testimony of the one witness who testified for the Government to the effect that the word 'injurious' is an absolute term. Rather do we conclude upon the testimony before us that the arsenic present in the quantity disclosed was not injurious to health.

"After mixing the two coal-tar derivatives, to which is added the sulphanilic acid, the manufacturer is confronted with the problem of eliminating the water. This is done either by freezing or by salting, or by both freezing and salting.

"As the color is invariably reduced when used, the manufacturer has found the salting method desirable because 'up to a certain limit' the addition of

salt produces a greater quantity of coloring material. It may be true that the more salt there is added, the less the user will dilute, but otherwise no injury to the product, as such, is occasioned by the presence of salt up to 40 or 50 per cent of the gross quantity. The seller gives directions to the purchaser for the dilution, which vary according to the percentage of salt.

"To reduce the salt content is expensive, but when it is reduced to a point below 5 per cent, it is (other ingredients being satisfactory) properly subject for certification by the Government (F. I. D. No. 77).

"The Government contends that shipping this coloring material containing 40 or 50 per cent of salt in interstate commerce is a violation of section 7, which reads 'That for the purposes of this act an article shall be deemed to be adulterated: * * * In the case of food: First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength. Second. If any substance has been substituted wholly or in part for the article. * * * Fifth. If it contains any added poisonous or other added deleterious ingredients which may render such article injurious to health.'

"With this contention we cannot agree, unless, as here, the product is sold under a false label. In other words, we cannot accept the contention of counsel for the Government that the coloring material, weakened (but not injured) by the larger percentage of salt, violates section 7 of the act, so long as it is not labeled or sold as a certified color. In this respect, perhaps, the designation 'quality color' is also objectionable and deceptive.

"In other words, we have presented a case where a food product (coloring material) is made and its lawful sale authorized, which contains an ingredient (salt), which is harmless in itself. The quantity of the ingredient used varies with each manufacturer and the product of each single producer also varies somewhat. Aside from its influence upon the cost of production, the presence of salt has the effect of increasing the quantity of coloring material and, regardless of the percentage used (up to 50 per cent at least), it must be very greatly diluted by the user.

"Upon these facts we have no hesitancy in saying that the statute does not, nor was it intended to, give the Secretary of Agriculture any authority to fix or establish an arbitrary per cent (say 5 per cent), beyond which the manufacturer cannot go without violating this section.

"While holding that the salt content here shown does not violate section 7 of the act, no support of justification can be found therefrom for the attempt of plaintiff in error to sell its product as a certified coloring material with a salt content less than 5 per cent.

"The goods as shipped carried a label upon which appeared the following words, 'Warranted. Complies with all requirements. Quality Color. No. 810. Contents yellow.'

"Section 8 of the food and drugs act reads: 'That the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article * * * which shall be false or misleading in any particular, * * *. That for the purpose of this act an article shall also be deemed to be misbranded: In the case of food: * * * Second. If it be labeled or branded so as to deceive or mislead the purchaser, * * *. Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular * * *.'

"There are certain regulations or requirements of the Department of Agriculture dealing with the use of food coloring, and the Government contends, and we think justly, that the language quoted, 'Warranted. Complies with all requirements,' was intended, and would reasonably tend to convey the belief that the color was warranted to comply with the food inspection decisions of the Department of Agriculture. Our attention has not been called to any other explanation that would give effect to the word 'requirements.' Inasmuch as the color under consideration did not comply with the requirements of the Department of Agriculture for certification, there was a misstatement, a misbranding of the package, which subjected the article to confiscation.

"The judgment is affirmed."

HOWARD M. GORE, *Secretary of Agriculture.*

12653. Misbranding of butter. U. S. v. The Midland Creamery Co., a Corporation. Plea of guilty. Fine, \$20. (F. & D. No. 17819. I. S. No. 8750-v.)

On January 22, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Midland Creamery Co., a corporation, Colorado Springs, Colo., alleging shipment by said company in violation of the food and drugs act as amended, on or about February 12, 1923, from the State of Colorado into the State of Texas, of a quantity of butter which was misbranded. The article was labeled in part: "Midland Gold Band Butter 1 lb. Net Midland Creamery Co. Colorado Springs."

Examination by the Bureau of Chemistry of this department of 60 packages of the article showed that the said packages averaged 15.45 ounces net of butter each.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1 lb. Net," borne on the packages containing the article, was false and misleading in that the said statement represented that the said packages contained 1 pound net of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 6, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

HOWARD M. GORE, *Secretary of Agriculture.*

12654. Misbranding of coffee. U. S. v. The Independence Coffee & Spice Co., a Corporation. Plea of guilty. Fine, \$40. (F. & D. No. 18731. I. S. Nos. 20606-v, 20607-v, 20608-v, 20642-v.)

At the May, 1924, term of the United States District Court within and for the District of Colorado, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the District Court aforesaid an information against the Independence Coffee & Spice Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about November 28, 1923, and January 23, 1924, respectively, from the State of Colorado into the State of Wyoming, and on or about January 24, 1924, from the State of Colorado into the State of Nebraska, of quantities of coffee which was misbranded. The article was labeled in part: (Case) "16-3 Lb. Tins" (or "16-2 Lb. Tins" or "60-1 Lb. Cans") "Breakfast Call Coffee The Independence Coffee & Spice Co. Denver, Colo.," (can) "Steel Cut Three Pounds" (or "Two Pounds" or "One Pound") "Breakfast Call Coffee The Independence Coffee And Spice Co. Denver, Colo."

Examination by the Bureau of Chemistry of this department of 16 of the alleged 3-pound cans showed that the average net weight of the cans examined was 2 pounds 15.13 ounces; examination of 16 cans from each of the two consignments of the alleged 2-pound cans showed that the average net weight of the said cans was 1 pound 15.17 ounces and 1 pound 14.98 ounces, respectively; and examination of 5 of the alleged 1-pound cans showed that the average net weight of the cans examined was 15.33 ounces.

Misbranding of the article was alleged in the information for the reason that the statements "16-3 Lb. Tins" and "Three Pounds," borne on the cases and cans, respectively, containing a portion of the article, the statements, "16-2 Lb. Tins," and "Two Pounds," borne on the cases and cans, respectively, containing a portion of the article, and the statements "60-1 Lb. Cans" and "One Pound," borne on the cases and cans, respectively, containing the remainder thereof, were false and misleading in that the said statements represented that the cans contained 3 pounds, 2 pounds, or 1 pound, as the case might be, of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained 3 pounds, 2 pounds, or 1 pound, as the case might be, of the said article, whereas, in truth and in fact, the cans did not contain the amounts declared on the respective labels but did contain less amounts. Misbranding was alleged for the further reason that the article was food in

package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 25, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$40.

HOWARD M. GORE, *Secretary of Agriculture*.

12655. Alleged adulteration of butter. U. S. v. South Peacham Co-Operative Creamery Co., a Corporation. Directed verdict for the defendant. (F. & D. No. 14762. I. S. No. 349-r.)

On June 28, 1921, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the South Peacham Co-Operative Creamery Co., a corporation, South Peacham, Vt., alleging shipment by said company, in violation of the food and drugs act, on or about May 4, 1920, from the State of Vermont into the State of New Hampshire, of a quantity of butter which was alleged to be misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 17.12 per cent of moisture and 79.03 per cent of fat.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed with the said article so as to lower and reduce and injuriously affect its quality and for the further reason that a substance, to wit, added water, had been substituted in part for butter, which the article purported to be.

On September 13, 1923, the case having come on for a trial before the court and a jury, the court directed that a verdict of not guilty be returned, on the ground of insufficient evidence.

HOWARD M. GORE, *Secretary of Agriculture*.

12656. Adulteration of canned sardines. U. S. v. 500 Cases, et al., of Sardines. Tried to the court and a jury. Verdict for the Government. Product ordered destroyed. (F. & D. Nos. 17955, 17956, 17957, 17958, 17959. I. S. No. 15017-v. S. No. E-4552.)

On November 7, 1923, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,000 cases of sardines, remaining unsold in the original packages at Richmond, Va., alleging that the article had been shipped by the Seacoast Canning Co., from Lubec, Me., on or about September 20, 1923, and transported from the State of Maine into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Sea Lion Brand Maine Sardines * * * Packed By Seacoast Canning Co. Eastport, Me."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid [animal] substance.

On April 11, 1924, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel, the court delivered the following charge to the jury (Groner, *D. J.*):

"Gentlemen of the Jury, this is a libel *in rem*, that is to say, against the thing sought to be condemned by the United States under the familiar food and drugs act, the purpose of which is to condemn any article of food containing filthy, decomposed, or putrid animal or vegetable substance. The Government some years ago as, of course, you gentlemen all know, in a very commendable effort to prevent the adulteration of food and misbranding of foods and shipment of putrid or decomposed food, passed what is known as the pure food and drugs act. One of the provisions of the act is that it shall be unlawful to ship in interstate commerce any article which is adulterated, and it is adulterated if it consists, so the statute says, in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, whether manufactured or not. The whole question in this case is whether the shipment in question contains an article of food which is either putrid or decomposed or filthy. The Government to maintain its view of the case has introduced the evidence of a number of witnesses whom you gentlemen have heard testify and whose conclusion is that these sardines, or a considerable portion of the sardines, are adulterated within the meaning of the act in that, according to their opinion, they are decomposed and putrid. That question is a question which is the issue in

this case, the question which you gentlemen must determine as a result of the evidence which you have heard from the different witnesses. You are the judges of the credibility of the witnesses and the weight to be given to their testimony. It is within your province to say which evidence you accept as correct. The burden of establishing the case is, of course, a burden which rests upon the Government, and it must be established by a preponderance of evidence. That does not mean any greater number of witnesses, but it must be such to satisfy the minds of the jury that it is the correct view of the case.

"Now the cans of sardines have been examined by samples extracted from different packages. The proportion of them in which these signs, according to witnesses for the Government, of decomposition appear has been testified to, and in the case of one of the Government witnesses, the state or condition of a large part—or I think approximately 50 per cent of the cans examined—was said to be decomposed but not putrid and not filthy, and the reason for the distinction was given to the jury. Now I haven't found nor have I been furnished by counsel with any precise definition of the word 'decomposition.' The act itself, unlike a great many Federal acts, does not contain any standard or determinative meaning of the word. The dictionary says that 'decompose' means to resolve or separate into constituent parts or elements, as by means of chemical agents or by natural decay; especially to cause to decay or to rot; to become separated into elements; hence, to putrefy, rot and to decay. I had my secretary during the period of the argument look in the books which lawyers use very frequently, called 'Words and Phrases,' which contain judicial definitions of different words used in statutes, without finding any direct or judicial construction or determination of the word. I assume that Congress intended to mean just what the word itself implies to the ordinary mind, that in order to justify a condemnation of a food product there must exist what is the general acceptance of the word 'decomposition' in the minds of the ordinary citizens of reasonable intelligence. So that we come back to the starting point, which is that you gentlemen must under the evidence in this case before you, the exhibit of the thing itself and the testimony of the witnesses as to what they ascertained as a result of their expert experience and knowledge, determine the question whether this particular product is sufficiently decomposed to come within the intent of Congress when it said such articles should not be shipped in interstate commerce.

"The defendant, through its superintendent, has testified as to the manner in which the canning of sardines is accomplished from the catching of the fish to the final sealing of the can and shipment. It is apparently a big concern—a concern that does a large business—and it is, of course, a matter of serious concern to it that one of its products should be stamped as unfit for human food. On the other hand, it is equally important for the people of the United States that this law, which is intended to preserve the health of the people of the United States, should be carried out without regard to whether it affects the standing, character, or business interests of any individual if he has violated the law.

"The whole question, therefore, gentlemen, which I submit to you is whether under the evidence—the testimony of these witnesses as to the condition of this fish and the exhibition of the cans to the jury themselves—you are satisfied that this product is or was in a process of decomposition. Now the act does not say that that process must have continued to any particular point. It does not define what point the decomposition must have arrived at to bring it within the inhibition of the statute. It says whatever is decomposed shall be subject to seizure and condemnation. I don't know a great deal about these matters of chemistry, but nearly everything of an animal character is decomposed to a certain extent on different occasions. As soon as fish is dumped from the pound-net into the bottom of the boat and allowed to remain for a little while, the process of decomposition sets in. Of course, it isn't that kind of decomposition that the act has in mind, because if it were, there wouldn't be anything like the sale or shipment of any animal products, but it is such decomposition as in the minds of the jury, it seems to me, would make them unfit for human food in the ordinary way. It doesn't have to be poisonous; it doesn't have to be so unfit as to make it dangerous to health. That isn't necessary. The act does not make that condition a condition precedent to the seizure and condemnation, but there ought to be, it seems to me, such decomposition as in the minds of an intelligent jury—business men, having due regard to the evidence and to the exhibit of the thing itself—would ordinarily suggest itself to them as an article reasonably unfit for human food. If it does that,

then, of course, there ought not to be any question of condemnation. If the thing itself is decomposed only to that inevitable degree that is inherent in the packing of fish products and meat products, then, of course, they ought not to be condemned, because that would practically stifle commerce in these articles altogether. These chemists from the department have testified as to the causes of this particular decomposition which they point out. You gentlemen have had the benefit of their advice and judgment on that subject, and, as I said before, it is up to you to say whether or not it appeals to you as business men sufficiently to justify you in saying the Government has met the burden and has in fact shown this particular product to be one in which there is decomposition and that the process of decomposition has gone to the extent where it is not necessarily dangerous, but such an extent as to make the article itself unfit for human food. It does not have to apply to all of it. If a reasonable percentage is of such a character as to create that opinion in your mind, then the Government has made its case. The verdict of the jury should be: 'We, the Jury, upon the issues joined, find for the United States' or 'find for the respondent.'"

The jury then retired and after due deliberation returned a verdict for the Government. Decrees of the court were thereupon entered, ordering that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12657. Adulteration and misbranding of olive oil. U. S. v. Achille Joannidi and Andrew Anastopoulos (A. Joannidi & Co.). Plea of guilty by Achille Joannidi. Fine, \$25. (F. & D. No. 17070. I. S. Nos. 1091-t, 5083-t.)

On April 21, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Achille Joannidi and Andrew Anastopoulos, copartners, trading as A. Joannidi & Co., New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about May 6, 1921, from the State of New York into the State of Illinois, and on or about May 16, 1921, from the State of New York into the State of Connecticut, of quantities of alleged olive oil which was adulterated and misbranded. The consignment of May 6 into Illinois was labeled in part: (Can) "Olio La Famosa Cotton Salad Oil Slightly Flavored with Olive Oil Packed by Joannidi & Perides New York One Gallon Extra Fine Quality." The consignment of May 16 into Connecticut was labeled in part: (Can) "Olio Il Siciliano Brand Packed By Joannidi & Perides New York Extra Fine Quality Cotton Salad Oil Blended with Olive Oil Excellent Oil For Table Use The Best In The World One Gallon Net La Marca * * * Famosa Olio Eccellente Per Uso Di Tavola."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was cottonseed oil, with little or no olive oil present. Examination of a sample from each of the consignments by said bureau showed an average volume of 0.96 gallon on 12 cans from one shipment and 5 cans from the other shipment.

Adulteration of the article was alleged in substance in the information for the reason that a substance, to wit, cottonseed oil, had been substituted in whole or in part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Olio La Famosa," borne in very prominent type on the cans containing a portion of the article, and the statement, "One Gallon," borne on the cans containing the said portion, and the statements, to wit, "Olio Il Siciliano," "La Marca Famosa," "Extra Fine Quality," "The Best in the World," "Olio Eccellente Per Uso Di Tavola," and "One Gallon Net," borne on the cans containing the remainder of the said article, were false and misleading in that they represented that the said article was olive oil and that each of the said cans contained 1 gallon thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article was olive oil and that each of the said cans contained 1 gallon thereof, whereas, in truth and in fact, the said article was not olive oil but was composed in whole or in part of cottonseed oil and each of said cans did not contain 1 gallon net of the article but did contain a less amount. Misbranding was alleged for the further reason that the statement, to wit, "Cotton Salad Oil Slightly Flavored With Olive Oil," borne on the cans containing a portion of the article, and the statement "Cotton Salad Oil Blended with Olive

Oil," borne on the cans containing the remainder thereof, were false and misleading in that the said statements represented that the article was cotton salad oil flavored or blended with olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cotton salad oil flavored or blended with olive oil, whereas, in truth and in fact, it was not, but a portion of the article was a product composed in whole or in part of cottonseed oil and which contained no olive oil, and the remainder was a product which contained no flavor of olive oil. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 14, 1923, the defendant, Achille Joannidi, entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12658. Misbranding of Grandma's Compound Sarsaparilla. U. S. v. 2½ Dozen Bottles, et al., of Grandma's Compound Sarsaparilla. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17120, 17186. I. S. Nos. 7917-v, 7919-v. S. Nos. W-1271, W-1286.)

On January 11 and 18, 1923, respectively, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 8½ dozen bottles of Grandma's Compound Sarsaparilla, consigned by the Park Laboratory Co., San Antonio, Texas, alleging that the article had been shipped from San Antonio, Texas, in various consignments, namely, on or about September 1, September 9, and November 17, 1922, respectively, and transported from the State of Texas into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodide (0.3 per cent), alcohol (2.6 per cent), extracts of plant drugs including a laxative drug, sugar, and water, flavored with sassafras oil.

Misbranding of the articles was alleged in the libels for the reason that the package failed to bear any statement of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that the statement, "Alcohol 10 per cent," appearing on a portion of the bottle labels and a portion of the cartons containing the bottles, the statement, in English or Spanish, "A specific For All Diseases Of The Blood," appearing on the bottle labels, and the statements in English and Spanish, "For The Removal And Permanent relief Of All Diseases Of The Blood, Such As Scrofula Or King's Evil, Syphilitic Or Mercurial Affections, Rheumatism, Obstinate Skin Eruptions, Erysipelas, Old Sores, Pimples, Blotches, Boils, Ringworm, Indolent Ulcers, Pains In The Bones, Salt Rheum, Female Weakness, General Debility and All Constitutional Diseases. * * * For Purifying And Vitalizing The Blood, Strengthening The System And Imparting New Life And Vigor To The Body," borne on the said cartons, regarding the curative and therapeutic effect of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed, or any of them.

On February 6, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12659. Adulteration and misbranding of vinegar. U. S. v. 17 Cases, et al., of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17021. I. S. Nos. 5133-v, 5134-v, 5135-v. S. No. C-3842.)

On or about December 19, 1922, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 cases containing gallon bottles, 20 cases containing quart bottles, and 24 cases containing pint bottles, of vinegar, at Chanute, Kans., alleging that the article had been shipped by the Springdale Vinegar Co., from Springdale, Ark., on or about August 22, 1922, and transported from the State of Arkansas into the State of Kansas, and charging adulteration and

misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Million Smiles Brand Pure Apple Cider Vinegar One Gallon" (or "One Quart," or "One Pint,") "Springdale Vinegar Co., Springdale, Ark."

Adulteration of the article was alleged in the libel for the reason that vinegar made from boiled cider or similar material had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the said bottles, "Pure Apple Cider Vinegar," was false and misleading and was calculated to deceive the purchaser in that the article was not pure cider vinegar but was an adulterated article in imitation of pure cider vinegar.

On February 5, 1923, the Springdale Vinegar Co., Springdale, Ark., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled, "Made From Boiled Cider."

HOWARD M. GORE, *Secretary of Agriculture.*

12660. Misbranding of horse and mule feed. U. S. v. 60 Sacks of Horse and Mule Feed. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18777. I. S. No. 12631-v. S. No. E-4860.)

On June 9, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 60 sacks of horse and mule feed, consigned on or about April 8, 1924, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Chas. A. Krause Milling Co., from Milwaukee, Wis., and transported from the State of Wisconsin into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "K-O Horse and Mule Feed Protein 10% Fat 2% Fibre 10% * * * Mfd. by Chas. A. Krause Milling Co. Milwaukee, Wisconsin."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Horse and Mule Feed Protein 10% Fat 2% Fibre 10%," was false and misleading and deceived and misled the purchaser.

On June 14, 1924, the Chas. A. Krause Milling Co., Milwaukee, Wis., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that it be relabeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12661. Adulteration of butter. U. S. v. 40 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 18826. I. S. No. 17960-v. S. No. C-4428.)

On June 25, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by the Casey Creamery Co., from Casey, Iowa, June 19, 1924, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

On July 9, 1924, J. H. Hoar & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the

costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so that it should contain not less than 80 per cent of milk fat and not more than 16 per cent of water.

HOWARD M. GORE, *Secretary of Agriculture.*

12662. Misbranding of LaDerma Vagiseptic discs, Arthur's Sextone tablets, Bick's nerve tonic, and Bick's Sextone pills. U. S. v. 5 Boxes of LaDerma Vagiseptic Tablets [Discs], et al. Decree entered ordering products destroyed. (F. & D. No. 15126. S. Nos. C-3104, C-3105, C-3106, C-3107.)

On July 11, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 boxes of LaDerma Vagiseptic discs, 11 boxes of Arthur's Sextone tablets, 11 boxes of Bick's nerve tonic, and 11 boxes of Bick's Sextone pills, at Clarendon, Tex., alleging that the articles had been shipped by the Palestine Drug Co., from St. Louis, Mo., on or about September 16, 1920, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (LaDerma Vagiseptic discs) "For * * * Amenorrhoea and other Uterine and Vaginal disorders * * * for * * * Amenorrhoea * * * Ulceration of the Uterus * * * Gonorrhoea"; (Arthur's Sextone tablets) "Designed to correct * * * the Evil Results Following Sexual or Alcoholic Excesses, Overwork, Worry, etc. * * * Sextone Tablets For Either Sex * * * Composed of * * * the Most Potent and Dependable Aphrodisiac Agencies," (circular) "Sextone Tablets * * * cases of exhaustion of nervous energy * * * stimulate * * * the Sexual Plexes * * * nourish the nervous system and build it up"; (Bick's nerve tonic) "Nerve Tonic for nervous prostration and bodily aches and pains. A nerve Tonic * * * for all female complaints * * * For Weakness, Nervousness, Headache, Kidney Trouble, and loss of Power in either Sex * * * for female weakness, heart trouble and where a general breakdown of the nervous system exists"; (Bick's sextone pills) "Sextone Pills * * * Composed of * * * Aphrodisiac Agencies."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the LaDerma Vagiseptic discs contained salt, alum, starch, milk sugar, and talc; the Arthur's Sextone tablets contained iron oxide, calcium carbonate, a compound of zinc, and extract of plant drugs, coated with sugar; the Bick's nerve tonic consisted of two products—brown tablets containing phosphorus and compounds of zinc and iron, coated with sugar and calcium carbonate, and yellow pellets containing compounds of iron, strychnine, and phosphorus, coated with sugar and calcium carbonate; the Bick's Sextone pills consisted of two products—chocolate-colored pills containing a small amount of extract of plant drugs, 50 per cent of sugar, 25 per cent of calcium carbonate, 7 per cent of iron oxide, and 7 per cent of powdered talc, and orange-colored tablets containing 31 per cent of metallic iron, 11 per cent of calcium carbonate, extract of nux vomica, and sugar.

Misbranding of the articles was alleged in the libel for the reason that the above-quoted statements, appearing in the labeling, were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the said therapeutic effects.

On November 2, 1922, no claimant having appeared for the property, judgment of the court was entered, finding the products to be subject to condemnation, and it was ordered by the court that they be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12663. Adulteration and misbranding of canned tomatoes. U. S. v. 150 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17868. I. S. No. 580-v. S. No. E-4508.)

On October 22, 1923, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 150 cases of canned tomatoes, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by the Metal Packing Co. from Baltimore, Md., on or about August

14, 1923, and transported from the State of Maryland into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Potomac Brand Hand Packed Tomatoes * * *. Packed By A. J. Lewis Walnut Point, Va."

Adulteration of the article was alleged in the libel for the reason that additional water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the labels on the cases containing the article bore the following statement, "Hand Packed Tomatoes Our Extra Quality," which said statement was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On June 10, 1924, Andrew J. Lewis, Walnut Point, Va., having appeared as claimant for the property and the court having found the issues of the case for the Government, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12664. Adulteration of canned salmon. U. S. v. 156 Cases, et al., of Salmon. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. Nos. 17316, 17437, 17442. I. S. Nos. 2108-v, 2109-v, 2110-v, 2111-v, 2112-v, 2113-v. S. Nos. E-4318, E-4341, E-4346.)

On or about March 1, 1923, and on March 27 and 29, 1923, respectively, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 469 cases of salmon, remaining in the original unbroken packages at Buffalo, N. Y., consigned by Griffith Durney & Co., Seattle, Wash., alleging that the article had been shipped from Seattle, Wash., in various consignments, namely, on or about September 23, October 21, and December 29, 1922, respectively, and transported from the State of Washington into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Klawack Brand Fresh Alaska Pink Salmon Packed At Klawack, Alaska, U. S. A. By The North Pacific Trading And Packing Company San Francisco, Cal."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed animal substance.

On May 1, 1924, the cases having been consolidated into one action and the North Pacific Trading & Packing Co., San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12665. Adulteration of shell eggs. U. S. v. 43 Cases of Eggs. Product examined; bad portion destroyed and good portion released. (F. & D. No. 17734. I. S. No. 6351-v. S. No. C-4082.)

On July 17, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 43 cases of eggs, at Memphis, Tenn., consigned July 11, 1923, alleging that the article had been shipped by Cockman Bros. Produce Co., Thayer, Mo., and transported from the State of Missouri into the State of Tennessee, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On July 20, 1923, The Cochran Produce Co., Thayer, Mo., having appeared as claimant for the property, and the product having been theretofore examined

and the decomposed portion destroyed and the edible portion restored to the claimant, it was ordered by the court that the claimant pay the costs of the proceedings and that the case be dismissed.

HOWARD M. GORE, *Secretary of Agriculture.*

12666. Adulteration of canned corn. U. S. v. 557 Cases of Canned Corn. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18696. I. S. No. 15193-v. S. No. E-4835.)

On May 19, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 557 cases of canned corn, remaining in the original unbroken packages at Hagerstown, Md., consigned by C. W. Baker & Sons, Middletown, Del., on or about March 8, 1924, alleging that the article had been shipped from Middletown, Del., and transported from the State of Delaware into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Middletown Brand Hearts Of Corn And Sugar Corn * * * Packed By G. H. Baker, Middletown, Delaware."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 19, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12667. Adulteration and misbranding of olive oil. U. S. v. George Vafier (Pan-Italian Commercial Co.). Plea of guilty. Fine, \$100. (F. & D. No. 16942. I. S. Nos. 15430-t, 15431-t.)

On February 2, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George Vafier, trading as the Pan-Italian Commercial Co., New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about June 1, 1921, from the State of New York into the State of New Jersey, of a quantity of olive oil which was adulterated and misbranded. The article was labeled in part: (Can) "Olive Oil Pure Virgin Riviera d'Italia Brand Highly Recommended For Medicinal Purpose Net Contents $\frac{1}{4}$ Gallon" (or "Net Contents One Gallon").

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained more than 50 per cent of peanut oil. Examination by said bureau showed an average volume of 0.237 gallon on 17 cans of the alleged quarter-gallon cans and an average volume of 0.902 gallon on 14 cans of the alleged gallon cans.

Adulteration of the article considered as a food was alleged in the information for the reason that peanut oil had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in large part for olive oil, which the article purported to be.

Adulteration of the article considered as a drug was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopœia official at the time of investigation, and the standard of the strength, quality, and purity of the article was not declared on the container thereof.

Misbranding was alleged for the reason that the statements, to wit, "Olive Oil Pure Virgin Riviera D'Italia Brand Highly Recommended For Medicinal Purpose" and "Net Contents $\frac{1}{4}$ Gallon," or "Net Contents One Gallon," borne on the cans containing the article, were false and misleading in that the said statements represented that the article was olive oil, that it was a foreign product, to wit, olive oil produced in Italy, and that each of the said cans contained one-quarter gallon or 1 gallon of olive oil, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, to wit, olive oil produced in Italy, and that each of the said cans contained one-quarter gallon or 1 gallon of olive oil, as the case might be, whereas the said article was not olive oil but was a mixture composed in large part of peanut oil, it was not a foreign product but was a domestic product,

to wit, an article produced in the United States of America, and each of said cans did not contain one-quarter gallon or 1 gallon of olive oil, as the case might be, but did contain a less amount. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, olive oil, for the further reason that it was falsely branded as to the country in which it was manufactured or produced, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 26, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

HOWARD M. GORE, *Secretary of Agriculture.*

12668. Misbranding of olive oil. U. S. v. 25 Half-Gallon Cans, et al., of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15863. I. S. Nos. 13891-t, 13892-t. S. No. W-1038.)

On December 30, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 half-gallon cans and 40 one-eighth-gallon cans of olive oil, remaining in the original unbroken packages at Denver, Colo., consigned by Nasiacos Importing Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about October 20, 1921, and transported from the State of Illinois into the State of Colorado, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Athlete Club Pure Olive Oil Guaranteed Finest Quality Contents $\frac{1}{2}$ Gallon" (or "Contents $\frac{1}{8}$ Gallon") "Nasiacos Importing Co. Chicago Perseus."

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "Contents $\frac{1}{2}$ Gallon," and "Contents $\frac{1}{8}$ Gallon," borne on the labels of the respective-sized cans, were false and misleading and deceived and misled the purchaser, since the contents of the said cans were less than one-half gallon and one-eighth gallon, respectively. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On January 26, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be correctly labeled and sold by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12669. Misbranding of Madame Dean's female pills. U. S. v. 120 Packages of Madame Dean's Female Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13462. I. S. No. 10062-t. S. No. W-708.)

On August 31, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 120 packages of Madame Dean's female pills, at San Francisco, Calif., alleging that the article had been shipped by Martin Rudy, from Lancaster, Pa., in various consignments, namely, February 18 and October 1, 1918, and May 12 and August 12, 1919, respectively, and transported from the State of Pennsylvania into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained quinine, aloes, iron sulphate, hydrastis, ginger, and cornstarch.

Misbranding of the article was alleged in the libel for the reason that the following statements appearing in the labeling (box and wrapper), "Female Pills * * * give relief in Female Disorders of the menstrual functions * * * for Painful, Irregular and Scanty Menstruation," (booklet) "irregular, prolonged, or suppressed menstruation. * * * Female Pills afford relief for these ailments. * * * a remedy intended solely for the relief of amenorrhoea, Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system * * * especially valuable in the functional changes * * * of the menopause or change of life

* * * act on the circulatory system of the uterus thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring, the menstrual or monthly periods. * * * strengthen and build up the uterine functions," (circular) "a great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel * * * for irregular, painful, scanty or suppressed menstruations * * * should be taken * * * to assist nature with * * * disorders * * * during the change of life period * * * Continue * * * the treatment until they give relief * * * great relief from Pains or Headache * * * for suppressed Menstruation * * * continue their use until relieved * * * take * * * until the menstrual flow commences again," were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On June 9, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12670. Adulteration and misbranding of prepared mustard. U. S. v. 79 Cases and 212 Cases of Prepared Mustard. Consent decree of condemnation. Product released under bond. (F. & D. No. 18799. I. S. Nos. 20064-v, 20065-v. S. No. W-1521.)

On July 2, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 291 cases of prepared mustard, at Seattle, Wash., alleging that the article had been shipped by Morehouse Mustard Mills, from Oakland, Calif., February 27, 1924, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: (Jar) "Salad Mustard * * * Morehouse Oakland. Los Angeles, Seattle;" (case) "Best Prepared Mustard." The remainder of the article was labeled in part: (Jar) "Prepared Old English Style Morehouse Mustard * * * Mustard Seed, Vinegar, Spices, Salt and Turmeric Morehouse Mustard Mills Los Angeles Oakland;" (case) "Best Prepared Mustard."

Adulteration of the article was alleged in the libel for the reason that mustard bran had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statements, "Salad Mustard," "Best Prepared Mustard," "Mustard," with respect to a portion of the article, and the statements, "Mustard Seed, Vinegar, Spices, Salt and Turmeric," "Best Prepared Mustard," with respect to the remainder thereof, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On August 26, 1924, the Morehouse Mustard Mills having appeared as claimant for the property and having consented to the entry of a decree, upon the finding of the court that the product was adulterated or misbranded, a decree of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12671. Adulteration of canned salmon. U. S. v. 1,301 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond to be salvaged. (F. & D. No. 18901. I. S. No. 7751-v. S. No. W-1544.)

On August 7, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,301 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Pioneer Sea Food Co., from Cordova, Alaska, June 30, 1924, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On August 26, 1924, Pioneer Sea Foods, Inc., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12672. Misbranding of cottonseed meal. U. S. v. 372 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18854. I. S. No. 22265-v. S. No. E-4894.)

On July 25, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 372 sacks of cottonseed meal, consigned on or about January 14, 1924, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the New Bern Cotton Oil & Fertilizer Co., from New Bern, N. C., and transported from the State of North Carolina into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Prime Cottonseed Meal * * * Guaranteed Analysis Protein (Minimum) 38.62% * * * Crude Fibre (Maximum) 10.00%."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Guaranteed Analysis Protein (Minimum) 38.62% * * * Crude Fibre (Maximum) 10.00%," was false and misleading and deceived and misled the purchaser, in that the said statement represented that the article contained a minimum protein content of 38.62 per cent and a maximum crude fiber content of 10.00 per cent, whereas it contained a less amount of protein and a greater amount of crude fiber than declared.

On August 8, 1924, G. A. Hax & Co., Baltimore, Md., having appeared as claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,712, in conformity with section 10 of the act, conditioned in part that it be correctly relabeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12673. Adulteration and misbranding of feed barley. U. S. v. 70 Sacks of Feed Barley. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18706. I. S. No. 22256-v. S. No. E-4850.)

On May 23, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 70 sacks of feed barley, consigned on or about April 25, 1924, remaining in the original unbroken packages at College Park, Md., alleging that the article had been shipped by Wm. S. Hoge & Bro., from Washington, D. C., and transported from the District of Columbia into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ground Mixed Feed Barley" and "Feed Barley."

Adulteration of the article was alleged in the libel for the reason that a substance, a mixture of wheat, oats, and weed seeds, and containing less than 50 per cent of barley, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designations "Ground Mixed Feed Barley" and "Feed Barley," appearing on the tags attached to the sacks containing the article, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive names of other articles, namely, ground mixed feed barley and feed barley.

On July 22, 1924, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that it be relabeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12674. Adulteration of shell eggs. U. S. v. Alex Getz. Plea of guilty. Fine, \$50. (F. & D. No. 19007. I. S. No. 17833-v. S. No. C-4123.)

On February 29, 1924, the Grand Jurors of the United States within and for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment against Alex Getz, late of the city of Chicago, State of Illinois, alleging that on or about August 6, 1923, the said defendant did receive 10 cases of shell eggs, which had been transported in interstate commerce from the State of Missouri into the State of Illinois and which were adulterated in violation of the food and drugs act, and that knowing that the said eggs were adulterated the said defendant did deliver them in the original unbroken packages, for pay or otherwise, to certain other persons, in violation of the said act.

Adulteration of the article was alleged in the indictment for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, namely, black rots, mixed rots, spot rots, and blood rings.

On July 7, 1924, the defendant entered a plea of guilty to the indictment, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

12675. Misbranding of butter. U. S. v. 10 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18972. I. S. No. 20173-v. S. No. W-1550.)

On or about August 13, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of butter, remaining in the original unbroken packages at San Francisco, Calif. (returned to San Francisco, Calif., from Honolulu), alleging that the article had been shipped by the Western Meat Co., from San Francisco, Calif., July 29, 1924, and transported from the State of California into the Territory of Hawaii, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Wrapper) "Parkdale Brand Creamery Butter Pasteurized 1 Pound Net Weight Distributed by Western Meat Co. San Francisco."

Misbranding of the article was alleged in the libel for the reason that the statement "1 Pound Net Weight" was false and misleading and deceived and misled the purchaser, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 16, 1924, the Western Meat Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be made to comply with the provisions of the law under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12676. Adulteration and misbranding of canned tomatoes. U. S. v. 150 Cases of Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17005. I. S. No. 3124-v. S. No. E-4231.)

On December 1, 1922, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 150 cases of tomatoes, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the W. W. Boyer Co., Baltimore, Md., on or about October 6, 1922, and trans-

ported from the State of Maryland into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Dogwood Brand Tomatoes Packed By W. W. Boyer & Co., Baltimore, Md. U. S. A."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, added puree, pulp, or juice from skins and cores of tomatoes, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the statement, "Tomatoes," together with the design showing a red ripe tomato, appearing on the labels, was false and misleading and deceived and misled the purchaser, since the article contained added puree, pulp, or juice from skins and cores of tomatoes. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On May 17, 1923, W. W. Boyer & Co., Inc., Baltimore, Md., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12677. Misbranding of butter. U. S. v. 15 Cases of Creamery Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18385. I. S. No. 7293-v. S. No. C-4285.)

On February 12, 1924, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 cases of creamery butter, at Birmingham, Ala., alleging that the article had been shipped by the New Albany Creamery Co., from New Albany, Miss., on or about February 8, 1924, and transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Sunshine Creamery Butter One Lb. Net New Albany Creamery Co., New Albany, Miss."

Misbranding of the article was alleged for the reason that the statement "One Pound Net" was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 29, 1924, the New Albany Creamery Co., New Albany, Miss., claimant, having admitted the allegations of the libel and consented to the entry of a decree, and the claimant having executed a bond in the sum of \$600, conditioned that the product be brought up to the declared net weight, judgment of condemnation and forfeiture was entered, and it was ordered by the court that it be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12678. Adulteration and misbranding of horse and mule feed. U. S. v. 75 Sacks of Horse and Mule Feed. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18156. I. S. No. 7192-v. S. No. C-4219.)

On December 14, 1923, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 75 sacks of horse and mule feed, at Boyles, Ala., alleging that the article had been shipped by the Sturges Co. from Meridian, Miss., on or about October 25, 1923, and transported from the State of Mississippi into the State of Alabama, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "100 pounds Billy Buck Horse and Mule Feed Manufactured By Sturges Company, Meridian, Mississippi * * * Protein 9%."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "100 pounds * * * Protein 9%," appearing in the labeling, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 12, 1924, Sturges & Co., Meridian, Miss., claimant, having admitted the allegations of the libel and consented to the entry of a decree of condemnation and forfeiture, and the claimant having executed a bond in the sum of \$150, in conformity with section 10 of the act, conditioned that the product be relabeled "Imitation Billy Buck Horse & Mule Feed Containing Crude Protein 6.08%, Sturges & Company, Manufacturers, Meridian, Miss.," a decree of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12379. Adulteration and misbranding of cottonseed meal. U. S. v. 300 Sacks and 400 Sacks of Cottonseed Meal. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17004, 17043. I. S. Nos. 3170-v, 3208-v. S. Nos. E-4212, E-4244.)

On or about November 22 and December 20, 1922, respectively, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 700 sacks of cottonseed meal, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Planters Oil Co., from Albany, Ga., in part on or about November 17, 1922, and in part on or about November 19, 1922, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Ammonia * * * 7.00 per cent."

Adulteration of the article was alleged in the libels for the reason that a substance low in ammonia had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding of the article was alleged for the reason that it was labeled "Cotton Seed Meal Guaranteed Analysis. Ammonia 7.00 per cent," which statement was false and misleading and deceived and misled the purchaser, since the article was deficient in ammonia.

On March 1, 1923, decrees of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the aggregate sum of \$2,400, in conformity with section 10 of the act, conditioned in part that the product be correctly relabeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12680. Adulteration and misbranding of cottonseed meal. U. S. v. 200 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17147. I. S. No. 3253-v. S. No. E-4278.)

On or about January 15, 1923, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 sacks of cottonseed meal, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Planters Oil Co., from Albany, Ga., on or about November 25, 1922, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Cotton Seed Meal Manufactured by Planters Oil Co., Albany, Ga. Guaranteed Analysis. Ammonia * * * 7.00 per cent (Equivalent to Protein 36.00 per cent)."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein [ammonia] had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was labeled, "Cotton Seed Meal * * * Guaranteed Analysis. Ammonia 7 per cent (Equivalent

to Protein 36.00 per cent)," which statement was false and misleading and deceived and misled the purchaser, since the said article was deficient in protein [ammonia]. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On February 6, 1923, the Planters Oil Co., Albany, Ga., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$800, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12681. Adulteration and misbranding of cottonseed meal. U. S. v. 200 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 17008. I. S. No. 3196-v. S. No. E-4234.)

On December 6, 1922, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 sacks of cottonseed meal at Jacksonville, Fla., alleging that the article had been shipped by the Empire Cotton Oil Co. from Cordele, Ga., on or about October 31, 1922, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Gilt Edge Brand Cotton Seed Meal Manufactured By Empire Cotton Oil Co. Home Office, Atlanta, Ga. Guaranteed Analysis: Protein * * * 36.00%, (Equivalent to Ammonia 7.00%) * * * Ingredients—Pressed Cotton Seed."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was labeled "Guaranteed Analysis: Protein 36.00% (Equivalent to Ammonia 7.00%) * * * Ingredients—Pressed Cotton Seed," which statement was false and misleading and deceived and misled the purchaser, since the product was deficient in protein and contained less than the equivalent of 7 per cent of ammonia. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On January 27, 1923, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the product be correctly labeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12682. Adulteration of canned string beans. U. S. v. 16 Cases of Canned String Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16698. S. No. E-4099.)

On or about August 15, 1922, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 cases of canned string beans, at Bluefield, W. Va., alleging that the article had been shipped by the Rileyville Canning Co., Rileyville, Va., August 26, 1921, and transported from the State of Virginia into the State of West Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Shenandoah River Green Beans * * * Packed by Rileyville Canning Co. Rileyville, Va."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On April 13, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12683. Adulteration of butter. U. S. v. 61 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18858. I. S. No. 19010-v. S. No. E-3937.)

On July 28, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 61 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Hazen Creamery Co., from Hazen, N. D., July 15, 1924, and transported from the State of North Dakota into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been substituted in part for the said article and for the further reason that a valuable constituent, to wit, butterfat, had been in part abstracted therefrom.

On September 18, 1924, the Hazen Creamery Co., Hazen, N. D., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12684. Adulteration of shell eggs. U. S. v. 23 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17736. I. S. No. 11439-v. S. No. W-1401.)

On or about July 19, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 23 cases of eggs, remaining in the original unbroken packages at Denver, Colo., consigned by K. S. Hust, Culbertson, Nebr., alleging that the article had been shipped from Culbertson, Nebr., on or about July 9, 1923, and transported from the State of Nebraska into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "K. S. Hust. Produce Dealer Culbertson, Nebr."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, to wit, of decomposed and rotten eggs.

On September 14, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12685. Adulteration of mixed liquid eggs. U. S. v. 550 Cans of Mixed Liquid Eggs. Decree entered ordering portion of product destroyed and remainder released. (F. & D. No. 18375. I. S. No. 4024-v. S. No. C-4281.)

On February 13, 1924, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 550 cans of mixed liquid eggs, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by Swift & Co., from Des Moines, Iowa, on or about September 17, 1923, and transported from the State of Iowa into the State of Wisconsin, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Sanitary Eggs Swift & Company 30 Pounds Net."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 1, 1924, Swift & Co. having appeared as claimant for the property, and it having appeared that 373 cans of the 459 cans actually seized were unfit for food and that the remaining 86 cans were fit for food, a decree of the court was entered, ordering that the bad portion be destroyed by the United States marshal and the remainder released to the claimant, and that the said claimant pay the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12686. Adulteration of canned salmon. U. S. v. 480 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17874. I. S. No. 4671-v. S. No. C-4131.)

On October 25, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 480 cases of salmon, at Memphis, Tenn., alleging that the article had been shipped by the Sanitary Fish Co. and P. E. Harris & Co., from Anacortes, Wash., on or about August 28, 1923, and transported from the State of Washington into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Double "Q" Select Pink Salmon * * * Distributed By P. E. Harris & Co. Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On September 9, 1924, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12687. Adulteration of raisins. U. S. v. Jessie C. Wilson, Mgr., Old Dutch Market. Collateral of \$50 forfeited. (F. & D. No. 738-c.)

On September 16, 1924, the United States attorney for the District of Columbia, acting upon a report by an official of the District of Columbia, filed in the Police Court of the District aforesaid an information against Jessie C. Wilson, Mgr., Old Dutch Market, at 3113 14th St., N. W., Washington, D. C., alleging that on September 10, 1924, the said defendant did offer for sale and sell in the District of Columbia, in violation of the food and drugs act, a quantity of raisins which were adulterated.

It was alleged in the information that the article was filthy in that it contained worms.

On September 16, 1924, the defendant having failed to enter an appearance, the \$50 collateral which had been deposited to insure appearance of the defendant was declared forfeited by the court.

HOWARD M. GORE, *Secretary of Agriculture.*

12688. Adulteration and misbranding of canned cherries. U. S. v. 50 Cases of Pitted Sour Red Cherries, et al. Decrees of condemnation and forfeiture with respect to portion of product; released under bond. Remainder ordered released under bond to be salvaged. (F. & D. Nos. 16865, 16866, 16867. I. S. Nos. 9431-v, 9459-v, 9461-v. S. Nos. C-3814, C-3815, C-3816.)

On October 2, 1922, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 570 cases of cherries, remaining unsold in the original packages at Louisville, Ky., consigned by Haserot Co., Northport, Mich., in part August 17, 1922, and in part August 18, 1922, alleging that the article had been shipped from Traverse City, Mich., and transported from the State of Michigan into the State of Kentucky, and charging adulteration and misbranding with respect to a portion of the article, and misbranding with respect to the remainder, in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Haserot's McPherson Brand Pitted Sour Red Cherries in Juice * * * Packed By Francis H. Haserot Company, Cherry Home, Michigan." The remainder of the said article was labeled in part: (Can) "Cherry Home Brand Red Sour Pitted Cherries in Juice Packed By Francis H. Haserot Company."

Adulteration was alleged in the libel with respect to the McPherson brand cherries for the reason that they consisted wholly or in part of a filthy, decomposed vegetable substance.

Misbranding was alleged with respect to both brands of the product for the reason that the statement "Pitted Sour Red Cherries in Juice," appearing in the labels, was false and misleading and deceived and misled the purchaser.

On February 19, 1923, the Francis H. Haserot Co. having appeared as claimant for the Cherry Home brand cherries, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be

released to the claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that it be correctly labeled. On March 17, 1923, a decree was entered with respect to the McPherson brand cherries, ordering that the product should be released to the claimant, the Francis H. Haserot Co., upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, conditioned in part that it be shipped to the canning factory, the cans opened, and the product sorted and held for the inspection and approval of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12689. Adulteration of canned salmon. U. S. v. 29 Dozen Cases, et al., of Salmon. Consent decrees of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. Nos. 14199, 14236. I. S. Nos. 10529-t, 10556-t. S. Nos. W-835, W-842.)

On January 17 and 22, 1921, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 641 cases, each containing 48 cans, and 2 dozen cans of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Columbia Salmon Co., from Tenakee, Alaska, in part on or about September 26, 1919, and in part on or about October 7, 1919, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Household Brand Alaska Cohoe Salmon * * * Packed in Alaska by Columbia Salmon Co., Seattle, Wash."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On July 25, 1924, the Columbia Salmon Co., Seattle, Wash., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion and the bad portion destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12690. Misbranding of corn meal. U. S. v. 240 Sacks, et al., of Corn Meal. Decree entered ordering product released under bond to be resacked. (F. & D. No. 18123. I. S. Nos. 7186-v, 7187-v. S. No. C-4210.)

On or about November 28, 1923, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 540 sacks of corn meal, remaining in the original unbroken packages at Mobile, Ala., alleging that the article had been shipped by the J. F. Weinmann Milling Co., from Little Rock, Ark., October 17, 1923, and transported from the State of Arkansas into the State of Alabama, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "12 Lbs. Purity Cream Meal" (or "24 Lbs. Purity * * * Corn Meal") "J. F. Weinmann Milling Co., Little Rock, Ark."

It was alleged in substance in the libel that the above-quoted statements appearing in the labels were false and misleading and deceived the purchaser in that they represented that the sacks contained 12 pounds net weight, or 24 pounds net weight, as the case might be, of corn meal, whereas the net weight of the meal contained in the alleged 12-pound sacks was less than 12 pounds and the net weight of the meal contained in the alleged 24-pound sacks was less than 24 pounds.

On December 1, 1923, S. E. Clement having appeared as claimant for the property, and having tendered a good and sufficient bond conditioned that the product be resacked to comply with the law, judgment of the court was entered, ordering that the claimant be allowed to resack the meal, and on December 10, 1923, the terms of the said bond having been complied with, the case was dismissed at the cost of the claimant.

HOWARD M. GORE, *Secretary of Agriculture.*

12691. Misbranding of crab meat. U. S. v. 23 Tins of Crab Meat. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 18889. I. S. No. 16090-v. S. No. E-4955.)

On August 7, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 23 tins of crab meat, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Thomas E. Jones & Co., Cambridge, Md., alleging that the article had been shipped from Cambridge, Md., on or about July 28, 1924, and transported from the State of Maryland into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Contents 1 Lb. Net."

Misbranding of the article was alleged in substance in the libel for the reason that the packages in which the said article was contained bore the statement, "Contents 1 Lb. Net," which was false and misleading in that the said statement represented that the packages each contained 1 pound of crab meat, when in fact they did not. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package and for the further reason that the article was labeled so as to deceive or mislead the purchaser.

On August 13, 1924, the product having become putrid and unfit for food, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12692. Adulteration and misbranding of canned oysters. U. S. v. 100 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17480. I. S. No. 1043-v. S. No. E-4373.)

On or about April 25, 1923, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases, each containing 4 dozen cans, of oysters, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by S. S. Goffin, from Baltimore, Md., on or about April 20, 1923, and transported from the State of Maryland into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for oysters, which the article purported to be.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On September 6, 1923, S. S. Goffin, Jacksonville, Fla., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12693. Adulteration of butter. U. S. v. 162 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 18878. I. S. No. 17775-v. S. No. C-4436.)

On July 22, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 162 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by R. E. Cobb Co., from St. Paul, Minn., July 5, 1924, and transported from the State of Minnesota into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a

substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

On August 6, 1924, the R. E. Cobb Co., Minneapolis, Minn., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12694. Adulteration of canned salmon. U. S. v. 500 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18074. I. S. No. 19310-v. S. No. C-4194.)

On November 20, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 cases of salmon, at Memphis, Tenn., alleging that the article had been shipped by the Sanitary Fish Co., from Anacortes, Wash., on or about September 13, 1923, and transported from the State of Washington into the State of Tennessee, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On September 9, 1924, no claimant having appeared for the property, judgment of the court was entered, finding that the product was adulterated and subject to condemnation, and it was ordered by the court that it be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12695. Adulteration and misbranding of flour. U. S. v. 400 Sacks and 200 Sacks of Flour. Product reconditioned and released to claimant. (F. & D. Nos. 18483, 18484. I. S. No. 11652-v. S. No. W-1494.)

On or about March 13, 1924, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 600 sacks of flour, at Tucson, Ariz., alleging that the article had been shipped by the Globe Mills, from El Paso, Tex., on or about February 23, 1924, and transported from the State of Texas into the State of Arizona, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Globe Mills Flour * * * Globe Mills El Paso, Los Angeles, * * * Colton, San Francisco, and San Diego. Matured-Bleached 98 lbs."

Adulteration of the article was alleged in the libels for the reason that a substance, water, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "98 lbs." borne on the sacks containing the article, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 4, 1924, the Globe Mills having appeared as claimant, and the product having been reduced to a moisture content of 13½ per cent or less and the sacks filled to their stated weight of 98 pounds, in compliance with orders of the court theretofore entered, it was ordered by the court that the said product be released to the claimant and the bond exonerated, and that the claimant pay the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12696. Adulteration and misbranding of mixed oats. U. S. v. 300 Sacks, et al., of Mixed Oats. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18643, 18650. I. S. Nos. 18045-v, 18059-v. S. Nos. C-4346, C-4348.)

On May 3 and 5, 1924, respectively, the United States attorney for the Northern District of Mississippi, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district

libels praying the seizure and condemnation of 600 sacks of mixed oats, in part at Jonestown, Miss., and in part at Tutwiler, Miss., alleging that the article had been shipped by Embry E. Anderson, Memphis, Tenn., in part April 19, and in part April 21, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "Daisy Mixed Oats Other Grains Recleaned Bleached." The words "Daisy Mixed Oats" were in relatively large heavy type, and the words "Other Grains" were in relatively small light type.

Adulteration of the article was alleged in substance in the libels for the reason that water and salt had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and for the further reason that screenings, water, and salt had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the designation "Daisy Mixed Oats * * * Recleaned" was false and misleading and deceived and misled the purchaser, and the statement "Other Grains" did not correct the misleading impression conveyed.

On June 20 and 30, 1924, respectively, Embry E. Anderson, Memphis, Tenn., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$2,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12697. Adulteration of canned blackberries. U. S. v. 119 Cases of Canned Blackberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18832. I. S. No. 20394-v. S. No. W-1526.)

On July 16, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 119 cases of canned blackberries, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Northern Canneries Co., Tacoma, Wash., alleging that the article had been shipped from Tacoma, Wash., May 31, 1924, and transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Aqua Brand Blackberries."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 27, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12698. Adulteration and misbranding of oats. U. S. v. 350 Sacks of Oats. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18668. I. S. No. 18092-v. S. No. C-4379.)

On May 13, 1924, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 350 sacks of oats, remaining in the original unbroken packages at Lake Providence, La., alleging that the article had been shipped by Embry E. Anderson, from Memphis, Tenn., on or about May 2, 1924, and transported from the State of Tennessee into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Creamo Recleaned White Oats Bleached."

Adulteration of the article was alleged in the libel for the reason that screenings, salt, and added water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Recleaned Wheat [White] Oats," appearing on the sacks containing the article, was false

and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 16, 1924, Embry E. Anderson, Memphis, Tenn., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12699. Adulteration and misbranding of canned tomatoes. U. S. v. 710 Cases of Canned Tomatoes. Product ordered released under bond to be relabeled. (F. & D. No. 18497. I. S. No. 7500-v. S. No. C-4020.)

On May 29, 1924, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 710 cases of canned tomatoes, at Shreveport, La., alleging that the article had been shipped by White & Nelson, from Port Arthur, Texas, on or about October 22, 1923, and transported from the State of Texas into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Whi-Nel-Co. Brand Tomatoes * * * Packed By White, Nelson & Co., Hoopersville, Md."

Adulteration of the article was alleged in the libel for the reason that a substance, added puree, pulp, or juice from skins and cores, had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged for the reason that the designation "Tomatoes," borne on the cases and cans containing the article, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On June 16, 1924, White & Nelson, Hoopersville, Md., having appeared as claimants for the property and having admitted the material allegations of the libel, judgment of the court was entered, ordering that the product be released to the claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled, "Tomatoes with Juice From Skins and Cores."

HOWARD M. GORE, *Secretary of Agriculture.*

12700. Adulteration and misbranding of canned oysters. U. S. v. 154 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17379. I. S. No. 5880-v. S. No. C-4001.)

On March 19, 1923, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 154 cases of oysters, remaining in the original unbroken packages at Waco, Texas, alleging that the article had been shipped by J. Langrall & Bro., Inc., from Baltimore, Md., December 13, 1922, and transported from the State of Maryland into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Maryland Chief Brand Baltimore Cove Oysters Contents 5 Ounces Packed By J. Langrall & Bro., Inc. Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce and lower its strength and injuriously affect its quality.

Misbranding was alleged for the reason that the statement on the labels of the cans containing the article, "Contents 5 Ounces," together with the design showing freshly opened oysters, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 29, 1924, the Cooper Grocery Co., Waco, Texas, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$800, in conformity with section 10 of the act, conditioned in part that it be re-labeled to show that the contents of the said cans did not exceed $4\frac{1}{4}$ ounces of oyster meat.

HOWARD M. GORE, *Secretary of Agriculture.*

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Feed, barley:		Boyer, W. W., Co-----	12676
Hoge, W. S., & Bro-----	12673	Metal Packing Co-----	12663
cottonseed meal:		White & Nelson-----	12699
Empire Cotton Oil Co-----	12681	Vagiseptic discs:	
New Bern Cotton Oil & Fer-		Palestine Drug Co-----	12662
tilizer Co-----	12672	Vinegar:	
Planters Oil Co-----	12679, 12680	Springdale Vinegar Co-----	12659
mixed:			
Krause, C. A., Milling Co--	12660		
Sturges Co-----	12678		

¹ Contains opinion of the court.

² Contains instructions of the court to the jury.

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12701-12750

[Approved by the Secretary of Agriculture, Washington, D. C., February 16, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

12701. Misbranding of flour. U. S. v. 1,000 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18026. I. S. No. 4980-v. S. No. C-4193.)

On November 16, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,000 sacks of flour, at Cincinnati, Ohio, consigned by the Milroy Milling Co., Milroy, Ind., October 29, 1923, alleging that the article had been shipped from Milroy, Ind., and transported from the State of Indiana into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "Clifton Winter Patent Flour * * * 24½ Pounds When Packed."

Misbranding of the article was alleged in the libel for the reason that the statement "24½ Pounds," borne on the sacks containing the article, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 20, 1923, the Milroy Milling Co., Milroy, Ind., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that it be relabeled, repacked, and reweighed under the supervision of this department.

HOWARD M. COBE, *Secretary of Agriculture.*

12702. Adulteration of butter. U. S. v. 10 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18898. I. S. No. 20393-v. S. No. W-1529.)

On July 16, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure

and condemnation of 10 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by W. E. Turner, Seattle, Wash., June 28, 1924, and transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been substituted wholly or in part for butter, and for the further reason that a valuable constituent, milk fat, had been in part abstracted from the said article.

On September 18, 1924, W. E. Turner, Seattle, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act, conditioned in part that the product be made to comply with the law, under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12703. Adulteration and alleged misbranding of raspberry jam. U. S. v. 46 Cases of Raspberry Jam. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18418. I. S. No. 11938-v. S. No. W-1489.)

On February 27, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 46 cases of raspberry jam, remaining in the original unbroken packages at Pueblo, Colo., consigned by Libby, McNeill & Libby, The Dalles, Ore., alleging that the article had been shipped from The Dalles, Oreg., in part on or about October 5 and in part on or about November 20, 1923, and transported from the State of Oregon into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Libby's Raspberry Jam."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance.

Misbranding was alleged for the reason that the statement "Jellies, Jams, And Fruit Butters Are Made Of Ripe, Sound Fruit," appearing on the label on the containers of the article, was false and misleading and deceived and misled the purchaser.

On June 7, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12704. Misbranding of butter. U. S. v. Morris & Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 17697. I. S. Nos. 11262-v, 11263-v.)

On November 14, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Morris & Co., a corporation, trading at San Francisco, Calif., alleging that on or about April 3 and 17, 1923, respectively, the said company delivered for shipment from the State of California into the Territory of Hawaii, in violation of the food and drugs act as amended, quantities of butter which was misbranded. The article was labeled in part: "Morris' Supreme Fancy Creamery Butter Morris & Company, U. S. A. One Pound Net Weight."

Examination by the Bureau of Chemistry of this department of 300 packages from each of the consignments showed that the average net weight of the lots examined was 15.69 ounces and 15.54 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the article, was false and misleading in that the said statement represented that each of the packages contained 1 pound net weight of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net weight of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight of butter, but did contain a less amount. Misbranding was alleged for the further reason that the article was

food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 24, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Secretary of Agriculture.*

12705. Adulteration of canned salmon. U. S. v. 350 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 16870. I. S. No. 3775-v. S. No. C-3822.)

On October 3, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 350 cases of canned salmon, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by C. F. Buelow Co., from Seattle, Wash., March 3, 1922, and transported from the State of Washington into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Hall's Holsum Brand Coho Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On September 27, 1924, James R. Baker & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12706. Adulteration and misbranding of ground coriander seed. U. S. v. Isidor Wertheimer and Isaac Wertheimer (I. Wertheimer & Son). Pleas of guilty. Fine, \$25. (F. & D. No. 15264. I. S. No. 5101-t.)

On December 8, 1921, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Isidor Wertheimer and Isaac Wertheimer, trading as I. Wertheimer & Son, New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act, on April 30, 1920, from the State of New York into the State of Massachusetts, of a quantity of ground coriander seed which was adulterated and misbranded. The article was labeled in part: "Pure Ground Coriander Seed * * * From I. Wertheimer & Son * * * New York."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 0.16 per cent of volatile extractive soluble in ether.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopœia, official at the time of investigation, in that it yielded volatile extractive soluble in ether in the proportion of sixteen hundredths of 1 per cent, whereas the said pharmacopœia provides that coriander seed shall yield not less than five tenths of 1 per cent of volatile extractive soluble in ether, and the standard of the strength, quality, and purity of the article was not declared on the container thereof. Adulteration was alleged for the further reason that coriander seed of inferior quality had been substituted for pure ground coriander seed, which the article purported to be, and for the further reason that a valuable constituent of the article had been in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Pure Ground Coriander Seed," borne on the barrels containing the article, was false and misleading in that it represented that the said article consisted wholly of pure ground coriander seed, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of pure ground coriander seed, whereas, in truth

and in fact, it did not so consist but did consist in whole or in part of ground coriander seed of inferior quality.

On October 2, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12707. Misbranding of pears. U. S. v. White Bros. & Crum Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 17417. I. S. No. 7656-v.)

On November 16, 1923, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against White Bros. & Crum Co., trading at Spokane, Wash., alleging shipment by said company, in violation of the food and drugs act as amended, on or about September 19, 1922, from the State of Washington into the State of Colorado, of a quantity of pears which were misbranded. The article was labeled in part: (Box) "Blue Jay Pears White Bros. & Crum Co. Yakima, W."

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 30, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12708. Misbranding of compound oil. U. S. v. 96 Cans of Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17107. I. S. No. 1536-v. S. No. E-4258.)

On January 9, 1923, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 96 cans of oil, remaining in the original unbroken packages at Pawtucket, R. I., alleging that the article had been shipped by the Armenian Importing Co., from New York, N. Y., on or about October 14, 1922, and transported from the State of New York into the State of Rhode Island, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Superior Quality Oil Greek Patriot Brand Winter Pressed Cotton Salad Oil Flavored with High Grade Olive Oil A Compound Net Contents 1 Gall."

Misbranding of the article was alleged in the libel for the reason that the cans bore statements, to wit, "Superior Quality Oil," "Greek Patriot Brand," "Flavored with High Grade Olive Oil," "A Compound Net Contents 1 Gall.," together with a design showing a Greek soldier, which were false and misleading and deceived and misled the purchaser, in that the product contained no flavor of olive oil, and purported to be a foreign product when not so, and in that the cans contained less than 1 gallon. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 11, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12709. Adulteration and misbranding of oysters. U. S. v. Harry M. Woodburn (H. M. Woodburn). Plea of guilty. Fine, \$10 and costs. (F. & D. No. 18742. I. S. Nos. 15164-v, 15165-v, 15166-v.)

On July 11, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry M. Woodburn, trading as H. M. Woodburn, Solomons, Md., alleging shipment by said defendant, in violation of the food and drugs act as amended, in two consignments, namely, on or about February 5 and 7, 1924, respectively, from the State of Maryland into the District of Columbia, of quantities of oysters which were adulterated and misbranded. The article was labeled in part: (Can) "Minimum Volume 1 Gallon."

Examination of the article by the Bureau of Chemistry of this department showed that it contained added water and that the quantity of the contents of the cans was less than 1 gallon.

Adulteration of the article was alleged in the information for the reason that water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement, to wit, "Minimum Volume 1 Gallon," borne on the cans containing the article, was false and misleading in that the said statement represented that each of the cans contained 1 gallon of oysters, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 gallon of oysters, whereas each of said cans did not contain 1 gallon of oysters but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 18, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

HOWARD M. GORE, *Secretary of Agriculture*.

12710. Adulteration of canned oysters. U. S. v. 471 Cases of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17191. I. S. No. 8115-v. S. No. W-1291.)

On January 22, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 471 cases of canned oysters, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Booth Packing Co., from Baltimore, Md., on or about January 9, 1923, and transported from the State of Maryland into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed with and substituted wholly or in part for the said article.

On January 31, 1923, the Booth Packing Co., Baltimore, Md., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,626.70, in conformity with section 10 of the act, conditioned in part that the product be made to comply with the act under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture*.

12711. Adulteration and misbranding of canned oysters. U. S. v. 220 Cases, et al., of Canned Oysters. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 18619, 18620, 18621, 18622, 18637, 18652. I. S. Nos. 6350-v, 18803-v, 18804-v. S. Nos. C-4341, C-4365, C-4373.)

On April 23, May 3, and May 6, 1924, respectively, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 359 cases of canned oysters, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Marine Products Co., Biloxi, Miss., on or about March 3, 1924, and transported from the State of Mississippi into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act as amended. One lot was labeled in part: (Can) "Lopez's Cove Oysters Biloxi Chief Brand Oysters Net Contents 5 Ounces Oyster Meat Packed By Lopez Packing Co., Biloxi, Miss." A second lot was labeled in part: (Case "Lopez Packing Co. Biloxi Miss."); (can) "Selected Oysters Contents 6 Ozs. Avoirdupois Oyster Meat." A third lot was labeled in part: (Can) "Lopez's Cove Oysters Net Contents 6 Ounces Oyster Meat Tika Brand * * * Packed By Lopez Packing Co. Biloxi, Miss. and Buras La."

Adulteration of the article was alleged in the libels for the reason that water or brine had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted in part for the said article.

Misbranding was alleged with respect to a portion of the article for the reason that the designation "Net Contents 5 Ounces," borne on the labels, was false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to the remainder of the said article for the reason that the labels were false and misleading and deceived and misled the purchaser in that the drained weight of the oysters contained in the cans was less than stated on the labels. Misbranding was alleged with respect to all the product for the further reason that it was food in package form, and the quantity of the contents was not conspicuously stated on the outside of the packages.

On July 11, 1924, the Lopez Packing Co., Biloxi, Miss., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that statements of the net contents be obliterated and the cans relabeled, "Slack Filled. Minimum contents 4 Ounces Oyster Meat. A can this size should contain 5 ounces oyster meat," or "Slack filled. Minimum Contents 4.6 ounces Oyster Meat. A can this size should contain 6 Ounces Oyster Meat," as the case might be.

HOWARD M. GORE, *Secretary of Agriculture.*

12712. Adulteration of canned salmon. U. S. v. 6,225 Cases of Salmon. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17759. I. S. No. 11486-v. S. No. W-1412.)

On September 5, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6,225 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Carlson Bros., Inc., from Pavloff Harbor, Alaska, August 7, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On April 9, 1924, Carlson Bros., Inc., claimant, having admitted the allegations of the libel and having paid the costs of the proceedings and executed a bond in the sum of \$1,000, in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be reconditioned.

HOWARD M. GORE, *Secretary of Agriculture.*

12713. Misbranding of olive oil. U. S. v. 88 Cans, et al., of Olive Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18496. I. S. Nos. 15390-v, 15392-v, 15393-v. S. No. E-4761.)

On March 1, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 296 cans of olive oil, at New Bedford, Mass., consigned between the dates of July 3, 1923, and January 22, 1924, alleging that the article had been shipped by T. K. Malouf & Co., from New York, N. Y., and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Can) "Greek Dream Brand Net Contents 1 Gallon." The remainder of the said article was labeled in part: (Can) "Olympia Brand * * * Net Contents One Quart" (or "Net Contents One Gallon").

Misbranding of the article was alleged in the libels for the reason that the statements as to the net contents of the said cans were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously declared on the outside of the packages.

On June 19, 1924, the cases having been consolidated into one action and Tamer K. Malouf & Co., New York, N. Y., claimant, having filed a satisfactory

bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12714. Misbranding of dried distillers grains. U. S. v. 24½ Tons of Dried Grains. Product released under bond to be relabeled. (F. & D. No. 18775. I. S. No. 22257-v. S. No. E-4863.)

On June 9, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 24½ tons of dried distillers grains, consigned about April 16, 1924, remaining in the original unbroken packages at Cambridge, Md., alleging that the article had been shipped by H. Walker & Sons, from Walkerville, Ont., Canada, and transported from a foreign country into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "'Calgary' Distillers' Dried Grains Protein 26-30%."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein 26-30%," borne on the labels, was false and misleading and deceived and misled the purchaser, in that the said statement represented that the article contained from 26 to 30 per cent of protein, whereas, in truth and in fact, it contained a less amount.

On August 11, 1924, the Donahue-Stratton Co., Milwaukee, Wis., having appeared as claimant for the property, judgment of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that it be properly relabeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12715. Adulteration of canned sardines. U. S. v. 200 Cases of Sardines in Tins. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18781. I. S. No. 16596-v. S. No. E-4861.)

On June 14, 1924, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 cases of sardines in tins, remaining in the original unbroken packages at Valdosta, Ga., consigned by the Holmes Co., from Robinston, Me., alleging that the article had been shipped on or about October 27, 1923, and transported from the State of Maine into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Tin) "Holmes Company Maine Sardines * * * Robinston Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

On September 24, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12716. Adulteration of butter. U. S. v. 3 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 18875. I. S. No. 18848-v. S. No. C-4452.)

On July 22, 1924, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 tubs of butter, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Springbrook Creamery Co., Shelbyville, Ill., on or about July 18, 1924, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in butterfat and high in moisture had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, namely, butterfat, had been abstracted from the article.

On September 15, 1924, the W. A. Deems Commission Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the product be reworked to bring the butterfat content up to 80 per cent and to reduce the moisture content to 15.9 per cent or less.

HOWARD M. GORE, *Secretary of Agriculture.*

12717. Adulteration of butter. U. S. v. 13 Cases and 11 Cases of Butter. Consent decrees of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. Nos. 18869, 18871. I. S. Nos. 18841-v, 18843-v, 18845-v. S. Nos. C-4445, C-4447.)

On July 18 and 24, 1924, respectively, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 24 cases of butter, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Johnson Creamery Co., Stewardson, Ill., in part on or about July 15, 1924, and in part on or about July 18, 1924, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled variously: (Carton) "Pure A. G. Butter * * *"; "The Clover Blossom Brand Fancy Creamery Butter * * * Johnson Creamery Co., Stewardson Illinois * * *"; "Country Maid Fancy Creamery Butter * * * Johnson Creamery Co. Stewardson, Illinois."

Adulteration of the article was alleged in the libels for the reason that a product deficient in milk fat and high in moisture had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, namely, butterfat, had been abstracted therefrom.

On September 9, 1924, the Johnson Creamery Co., Stewardson, Ill., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant upon the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that it should be reworked so that it should have a butterfat content of not less than 80 per cent and a moisture content of not to exceed 15.9 per cent.

HOWARD M. GORE, *Secretary of Agriculture.*

12718. Adulteration of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 18866. I. S. No. 18799-v. S. No. C-4444.)

On July 19, 1924, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 tubs of butter, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Anna Produce Co., Anna, Ill., on or about July 16, 1924, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat and high in moisture had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, namely, butterfat, had been abstracted therefrom.

On September 15, 1924, the W. A. Deems Commission Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the product be reworked so that it should have a butterfat content of not less than 80 per cent and a moisture content of not to exceed 15.9 per cent.

HOWARD M. GORE, *Secretary of Agriculture.*

12719. Adulteration and misbranding of cottonseed cake. U. S. v. 47 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18641. I. S. No. 20636-v. S. No. W-1507.)

On May 23, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 47 sacks of cottonseed cake, remaining in the original unbroken packages at Denver, Colo., consigned by C. R. Garner & Co., Amarillo, Texas, alleging that the article had been shipped from Paris, Texas, on or about January 16, 1924, and transported from the State of Texas into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "43% Protein Cotton Seed Cracked Cake * * * Manufactured by The Lamar Cotton Oil Co. Paris, Texas * * * Crude Protein 43.00% * * * Crude Fat 6.00% Crude Fibre 12.00%."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein had been mixed and packed therewith so as to reduce and lower its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "43% Protein Cotton Seed Cracked Cake," "Crude Protein 43.00%," "Crude Fat 6.00%," and "Crude Fibre 12.00%," borne on the labels of the article, were false and misleading and deceived and misled the purchaser since the said article did not contain the protein, fat, and crude fiber in the amounts declared. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On July 21, 1924, The Lamar Cotton Oil Co., Paris, Texas, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12720. Adulteration of canned blueberries. U. S. v. 275 Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18530. I. S. No. 11903-v. S. No. W-928.)

On April 2, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 275 cases of canned blueberries, remaining in the original unbroken packages at Denver, Colo., consigned by A. & R. Loggie Co., Ltd., alleging that the article had been shipped from Columbia Falls, Me., on or about August 20, 1923, and transported from the State of Maine into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Eagle Brand Blueberries Packed At Columbia Falls, Maine. By A. & R. Loggie Co. Limited Of Loggieville, * * * Canada."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On June 2, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12721. Adulteration of butter. U. S. v. 2 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 18868. I. S. No. 18794-v. S. No. C-4442.)

On July 15, 1924, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 tubs of butter, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by E. R. Goldstein, Shelbyville, Ill., on or about July 10, 1924, and transported from the State of Illinois into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat and high in moisture had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, namely, butterfat, had been abstracted therefrom.

On September 15, 1924, the W. A. Deems Commission Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the product should be reworked so that it should have a butterfat content of not less than 80 per cent and a moisture content of not to exceed 15.9 per cent.

HOWARD M. GORE, *Secretary of Agriculture.*

12722. Adulteration and misbranding of cheese. U. S. v. 2 Boxes, et al., of Cheese. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 18778, 18779. I. S. Nos. 17784-v. 17785-v. S. Nos. C-4409, C-4410.)

On June 6, 1924, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 boxes of cheese, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Chicago Cheese & Farm Products Co., Chicago, Ill., on or about June 3, 1924, and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Retail package) "Daisy Brand Farmer Cheese Chicago Cheese & Farm Products Co."

Adulteration of the article was alleged in the libel for the reason that foreign fat had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Cheese," borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 9, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12723. Adulteration and misbranding of butter. U. S. v. 77 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17622. I. S. No. 681-v. S. No. E-4430.)

On July 2, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying the seizure and condemnation of 77 boxes, each containing 30 1-pound cartons of butter, in quarters, remaining in the original unbroken packages at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia, by the Cudahy Packing Co., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "One Pound Net Creamery Butter."

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the cartons containing the article, was false and misleading in that the said statement represented that the cartons contained butter, and for the further reason that the said cartons were labeled "Butter," so as to deceive and mislead the purchaser into the belief that they contained butter, whereas they did not contain butter but contained a product containing excessive moisture and deficient in butterfat.

On July 23, 1923, the Cudahy Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12724. Adulteration of canned salmon. U. S. v. 1,015 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 14210. I. S. No. 10558-t. S. No. W-836.)

On January 20, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,015 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Olympic Fisheries Co., from Ketchikan, Alaska, on or about August 28, 1920, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On June 23, 1924, the Olympic Fisheries Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, the bad portion destroyed and the good portion released to the said claimant.

HOWARD M. GORE, *Secretary of Agriculture.*

12725. Adulteration and misbranding of molasses. U. S. v. William H. Burns and William J. Campbell (Atlantic Syrup Refining Co.). Plea of nolo contendere. Fine, \$25. (F. & D. No. 18736. I. S. Nos. 937-v, 956-v, 957-v, 11008-v.)

On August 6, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William H. Burns and William J. Campbell, copartners, trading as the Atlantic Syrup Refining Co., Philadelphia, Pa., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, namely, on or about March 29, October 20, October 23, and November 28, 1923, respectively, from the State of Pennsylvania into the State of North Carolina, of quantities of molasses which was adulterated and misbranded. The article was labeled in part: (Barrel) "Atlantic's Fancy." A portion of the said barrels were further labeled: "Atlantic Syrup Refining Co Phila Pa." A portion of the article was billed as "Atlantic" (or "Atlantic's") "Fancy Molasses."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained approximately 40 per cent of added glucose.

Adulteration of the article was alleged in the information for the reason that a product containing commercial glucose, deficient in sucrose and below the standard for either fancy sirup or molasses, had been substituted for fancy molasses, which the said article purported to be. Adulteration was alleged for the further reason that the commercial glucose had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, fancy molasses.

On September 23, 1924, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12726. Adulteration and misbranding of chocolate concentrate. U. S. v. 4 Cans of Chocolate Concentrate. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18683. I. S. No. 2439-v. S. No. E-4841.)

On May 15, 1924, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 cans of chocolate concentrate, at Kecksburg, Pa., alleging that the article had been shipped by Jack Beverages, Inc., from New York, N. Y., on or about April 2, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "5 Gals. Real Chocolate Concentrate Contains Sodium Benzoate for less than 1-10 of 1% * * * Jack Beverages, Inc. * * * New York."

Adulteration of the article was alleged in the libel for the reason that glucose had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, salicylic acid, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the statement in the labeling, "Real Chocolate Concentrate," was false and misleading and deceived and misled the purchaser.

On September 26, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12727. Adulteration of tomato paste. U. S. v. 450 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18413. I. S. No. 2321-v. S. No. E-4756.)

On February 25, 1924, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 450 cases of tomato paste, in part at Pittsburgh, Pa., and in part at Monessen, Pa., alleging that the article had been shipped by the Mt. Holly Canning Co., Mt. Holly, N. J., between the dates of August 25 and October 27, 1923, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Savoy Brand Pure Tomato Paste * * * Packed By Mt. Holly Canning Co. Mt. Holly, N. J."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 26, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12728. Adulteration and misbranding of prepared mustard. U. S. v. 18 Cases of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18798. I. S. No. 12955-v. S. No. E-4864.)

On June 9, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 18 cases of prepared mustard, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Federal Food Products Co., from Newark, N. J., on or about May 15, 1924, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Apex Brand 8 Ounces Net Mustard Bran Prepared Mustard Made From Mustard Seed, Pure Spices, Turmeric, Salt And Distilled Vinegar."

Adulteration of the article was alleged in the libel for the reason that a substance, mustard bran, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, for the further reason that imitation mustard had been substituted wholly or in part for the

said article, and for the further reason that it was colored in a manner which concealed its inferiority.

Misbranding was alleged for the reason that the statement appearing in the labeling, "Prepared Mustard 8 Ounces Net Importers and Manufacturers Meyer & Carmody Import Co., Inc. N. Y.," was false and misleading and deceived and misled the purchaser, for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and for the further reason that it was an imitation of or offered for sale under the distinctive name of another article.

On October 8, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12729. Adulteration and misbranding of flour. U. S. v. 500 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18390. I. S. No. 7481-v. S. No. C-4287.)

On February 15, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 sacks of flour, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Acme Milling Co., from Oklahoma City, Okla., on or about January 12, 1924, and transported from the State of Oklahoma into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Acme Milling Company Oklahoma City, Okla., * * * Bleached 98 Lbs Acme."

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statement in the labeling, "98 Lbs.," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 26, 1924, the H. Weil Baking Co., New Orleans, La., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that it be repacked, the weight correctly stated, and the moisture content reduced to the standard permitted.

HOWARD M. GORE, *Secretary of Agriculture.*

12730. Misbranding of butter. U. S. v. 160 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17725. I. S. No. 7111-v. S. No. C-4105.)

On August 16, 1923, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 160 cases of butter, remaining in the original unbroken packages at Baton Rouge, La., alleging that the article had been shipped by Swift & Co., from Enid, Okla., August 6, 1923, and transported from the State of Oklahoma into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Brookfield Creamery Butter 1 Lb. Net Weight Swift & Company, Distributor"; (case) "32 Lbs. Brookfield Creamery Butter."

Misbranding of the article was alleged in the libel for the reason that the statements on the respective labels, "32 Lbs." and "1 Lb. Net Weight." were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside thereof.

On September 29, 1923, Swift & Co., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,800, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12731. Misbranding of butter. U. S. v. 50 Cases and 20 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 18391, 18396. I. S. Nos. 7489-v, 7491-v. S. Nos. C-4288, C-4290.)

On February 19, 1924, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 50 cases and 20 tubs of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Texas Creamery Co., from Houston, Texas, in two consignments, namely, on or about February 7 and 8, 1924, respectively, and transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. One consignment was labeled in part: (Tub) "32 Lb. Net Sweet Clover." The other consignment was labeled in part: (Carton) "Extra Fancy Morning Glory Creamery Butter Texas Creamery Co., Houston, Tex. One Pound Net."

Examination of the article by the Bureau of Chemistry of this department showed that the average net weight of 5 tubs was 30.9 pounds and that the average net weight of 200 cartons was 15.67 ounces.

Misbranding of the article was alleged in the libels for the reason that the statements appearing in the respective labels, "32 Lb. Net" or "One Pound Net," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On April 23, 1924, the Morning Glory Creamery Co., New Orleans, La., claimant, having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$150, in conformity with section 10 of the act, conditioned in part that it be correctly labeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12732. Misbranding and alleged adulteration of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18397. I. S. No. 7488-v. S. No. C-4289.)

On February 19, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 tubs of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Texas Creamery Co., from Houston, Texas, on or about February 7, 1924, and transported from the State of Texas into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "32 Lb Net Morning Glory Salted Butter."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article, and in that a valuable constituent, to wit, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the designation "Butter" was false and misleading and deceived and misled the purchaser.

On April 23, 1924, the Morning Glory Creamery Co., New Orleans, La., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that it be released to the said claimant upon

payment of the costs of the proceedings and the execution of a bond in the sum of \$50, in conformity with section 10 of the act, conditioned in part that it be correctly labeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12733. Misbranding of butter. U. S. v. 83 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17581. I. S. No. 6847-v. S. No. C-4658.)

On July 5, 1923, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 83 cases, each containing 30 pounds of butter, at New Orleans, La., alleging that the article had been shipped by the Meshoba County Creamery, from Philadelphia, Miss., in part on or about June 11, 1923, and in part on or about June 18, 1923, and transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "Neshoba County Creamery Philadelphia, Mississippi. This Package Contains 30 lbs. Butter"; (carton) "State Mississippi Brand Butter This butter * * * manufactured by * * * Mississippi Creameries Co-operative Association * * * This package contains 16 ounces net weight when packed."

Misbranding of the article was alleged in the libel for the reason that the labeling bore the statements, (case) "This Package Contains 30 lbs. Butter," (carton) "This package contains 16 ounces net weight when packed," which statements were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in packed [package] form and the quantity of the contents was not plainly and conspicuously marked on the outside thereof.

On August 30, 1923, L. Frank & Co., New Orleans, La., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12734. Adulteration and misbranding of fruit jelly. U. S. v. 5 Cases of Fruit Jelly. Default decree adjudging product adulterated and misbranded and ordering its destruction. (F. & D. No. 17685. I. S. No. 5581-v. S. No. C-4064.)

On August 13, 1923, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 cases, each containing 24 pails of jelly, remaining in the original unbroken packages at Rhinelander, Wis., consigned by D. B. Scully Syrup Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about May 5, 1923, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Case) "Tip Top Brand Imitation Fruit Jelly Packed Only By D. B. Scully Syrup Co. Chicago, Illinois"; (pail) "Tip-Top Brand Corn Syrup Apple Jelly * * * Packed By D. B. Scully Syrup Co. Chicago, Ill."

Adulteration of the article was alleged in the libel for the reason that pectin had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and in that acidified fruit-colored pectin jelly had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Apple Jelly," appearing on the pails containing the article and the statement "Imitation Fruit Jelly," appearing on the shipping containers, were false and misleading and deceived and misled purchasers. Misbranding was alleged for the further reason that the article was offered for sale and sold under the distinctive name of another article.

On June 25, 1924, no claimant having appeared for the property, judgment of the court was entered, finding the product to be adulterated and misbranded and ordering its destruction by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12735. Adulteration and misbranding of apple jelly. U. S. v. 25 Pails, et al., of Apple Jelly. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17564, 17566, 17567. I. S. Nos. 6237-v, 6238-v, 6243-v, 6244-v. S. Nos. C-4051, C-4052, C-4053.)

On June 25, 1923, and on or about July 18, 1923, respectively, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,300 pails of apple jelly, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Best Clymer Mfg. Co., from St. Louis, Mo., in part on or about January 18, 1923, and in part on or about April 28, 1923, and transported from the State of Missouri into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled variously in part: (Pail) "Clymer's Jelly Pure-Apple;" "Wagner's Special Brand Corn Syrup Apple Jelly;" "The Triumph Brand Corn Syrup Apple Jelly."

Adulteration of the article was alleged in the libels for the reason that pectin had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and in that acidified pectin jelly had been substituted wholly or in part for the said article. It was further alleged with respect to the Wagner's Special and Triumph brands of the article that it was artificially colored.

Misbranding was alleged for the reason that the statements on the respective labels, "Jelly Pure-Apple" or "Apple Jelly," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On July 16 and 18, 1923, respectively, Charles P. Wagner & Bro. and J. S. Waterman & Co., Inc., both of New Orleans, La., having appeared as claimants for respective portions of the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,700, in conformity with section 10 of the act, conditioned in part that it be correctly labeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12736. Adulteration of oranges. U. S. v. 83 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18544. I. S. No. 3239-v. S. No. E-4797.)

On April 8, 1924, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 83 boxes of oranges remaining in the original unbroken packages at Raleigh, N. C., consigned by the Leesburg Citrus Growers Assoc., Leesburg, Fla., alleging that the article had been shipped from Leesburg, Fla., and transported from the State of Florida into the State of North Carolina, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that an inedible product had been substituted wholly or in part for the said article.

On June 4, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12737. Adulteration and misbranding of butter. U. S. v. 52 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 19074. I. S. No. 14010-v. S. No. E-4971.)

On September 29, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 52 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Jaques Havens Co., Crawfordsville, Ind., on or about September 19, 1924, and transported from the State of Indiana into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On October 2, 1924, the Wrays Creamery, Crawfordsville, Ind., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12738. Adulteration of Whistle soft drink beverage. U. S. v. Samuel Farber. Plea of guilty. Fine, \$25. (F. & D. No. 742-c.)

On October 9, 1924, the United States attorney for the District of Columbia, acting upon a report by the Health Officer of the District of Columbia, filed in the Police Court of the District aforesaid an information against Samuel Farber, Washington, D. C., alleging that on September 26, 1924, the said defendant did offer for sale and sell in the District of Columbia, in violation of the food and drugs act, a quantity of Whistle soft drink beverage which was adulterated.

It was alleged in the information that the article was filthy in that it contained flies and bugs.

On October 9, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12739. Adulteration of canned blueberries. U. S. v. 395 Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18596. I. S. No. 17747-v. S. No. C-4338.)

On April 18, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 395 cases of blueberries, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Jasper Wyman & Son, from Cherryfield, Me., September 6, 1923, and transported from the State of Maine into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Wyman's Brand Blueberries Packed and Guaranteed by Jasper Wyman & Son Milbridge, Me."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On November 26, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12740. Adulteration and misbranding of white oats. U. S. v. 30 Sacks of White Oats. Decree entered ordering product destroyed. (F. & D. No. 18655. I. S. No. 18086-v. S. No. C-4374.)

On May 17, 1924, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 sacks of white oats, remaining in the original unbroken packages at Union, Miss., alleging that the article had been shipped by John Wade & Sons, from Memphis, Tenn., on or about April 28, 1924, and transported from the State of Tennessee into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act as amended. The product was invoiced as "White Oats."

Adulteration of the article was alleged in the libel for the reason that screenings had been mixed and packed therewith so as to reduce, lower, or

injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 16, 1924, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12741. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18946. I. S. No. 16922-v. S. No. E-4935.)

On September 8, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 crates of blueberries, at Boston, Mass., alleging that the article had been shipped by M. Wessel, from North Brooksville, Me., September 1, 1924, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 30, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12742. Adulteration and misbranding of lutein tablets. U. S. v. Max J. Wolfson and Philip S. Wolfson. Pleas of guilty. Fine, \$100. (F. & D. No. 18364. I. S. Nos. 708-v, 3809-v, 6683-v, 9127-v.)

At the October, 1924, term of the United States District Court within and for the Southern District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against Max J. Wolfson and Philip S. Wolfson, theretofore trading as the Stellar Chemical Co., Inc., New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, namely, on or about May 18, May 19, May 24, and June 27, 1923, respectively, from the State of New York into the States of Illinois, Missouri, Mississippi, and Virginia, respectively, of quantities of lutein tablets which were adulterated and misbranded. The article was labeled in part: (Bottle) "45 5-Gr. Lutein (Corpus Luteum) Tablets * * * Each tablet represents approximately twenty grains of fully developed corpora lutea."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets consisted essentially of potato starch, licorice root, and celery seed, with little or no *corpus luteum* or other animal tissue.

Adulteration of the article was alleged in the information for the reason that its strength and purity fell below the professed standard of quality under which it was sold, in that each tablet was sold as containing 5 grains of lutein and as representing approximately 20 grains of fully-developed *corpora lutea*, whereas each tablet contained little or no lutein or *corpora lutea*.

Misbranding was alleged for the reason that the statements, to wit, "5-Gr. Lutein (Corpus Luteum) Tablets * * * Each tablet represents approximately twenty grains of fully developed corpora lutea," borne on the labels attached to the bottles containing the article, were false and misleading in that the said statements represented that the tablets each contained 5 grains of lutein (*corpus luteum*) and that each tablet represented approximately 20 grains of fully developed *corpora lutea*, whereas each of said tablets did not contain 5 grains of lutein and did not represent approximately 20 grains of fully developed *corpora lutea*, in that the said tablets contained little, if any, lutein or *corpora lutea*. Misbranding was alleged for the further reason that the article was a product which contained little, if any, lutein, prepared in imitation of 5-grain lutein tablets and was offered for sale and sold under the distinctive name of another article, to wit, 5-grain lutein tablets.

On October 6, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

HOWARD M. GORE, *Secretary of Agriculture.*

12743. Misbranding of olives. U. S. v. 3 Cases and 4 Cases of Olives. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18651. I. S. Nos. 12619-v, 12620-v. S. No. E-4830.)

On May 6, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 cases of olives, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by James P. Smith & Co., from New York, N. Y., on or about April 3, 1924, and transported from the State of New York into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Bottle) "Pimento Stuffed Olives Net Wt. 3 Oz." The remainder of the article was labeled in part: "Queen Olives Net Wt. 4 Oz."

Misbranding of the article was alleged in the libel for the reason that the statements "Net Wt. 3 Oz." and "Net Wt. 4 Oz.," borne on the respective labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 21, 1924, James P. Smith & Co., New York, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that it be correctly labeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12744. Misbranding of Tu-Ber-Ku. U. S. v. 9 Bottles of Tu-Ber-Ku. Decree entered ordering product destroyed. (F. & D. No. 18209. I. S. No. 7341-v. S. No. C-4237.)

On December 27, 1923, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 bottles of Tu-Ber-Ku, remaining in the original unbroken packages at Meridian, Miss., alleging that the article had been shipped by the Cawthon-Coleman Drug Co., from Selma, Ala., on or about January 29, 1923, and transported from the State of Alabama into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of glycerin, alcohol, sugar, water, and a trace of a phenolic substance, flavored with peppermint oil.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, (carton and bottle labels) "Tu-Ber-Ku * * * For Consumption, * * * Croup, Colic, Catarrh and Asthma," (carton) "for * * * all Throat and Lung Troubles * * * has accomplished many wonderful cures even in cases given up by physicians * * * in all chronic cases," were false, fraudulent, and misleading, and deceived and misled the purchaser, since the said statements were not correct.

On September 16, 1924, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12745. Misbranding of Smith's buchu lithia pills. U. S. v. 12 Dozen Boxes of Smith's Buchu Lithia Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17976. S. No. E-4565.)

On November 7, 1923, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 dozen boxes of Smith's buchu lithia pills, at Pittsburgh, Pa., consigned by C. F. Smith, Boston, Mass., alleging that the article had been shipped on or about October 16, 1923, and transported from the State of Massachusetts into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was an iron oxide-coated pill containing powdered licorice, extracts of plant drugs, including uva ursi and podophyllum, sodium, potassium, lithium and magnesium compounds, including nitrate and citrate, and soap.

Misbranding of the article was alleged in the libel for the reason that the following statements, regarding the therapeutic or curative effects of the said article, appearing on the labels, (box and circular) "For Rheumatism And All Diseases Of The Kidneys, Blood And Urinary Organs, Bright's Disease, Congestion of the Kidneys, Bladder Troubles, Dropsical Swellings, Cystitis, Nephritis, Diabetes, Nervous Debility, Malaria, Gout, Neuralgia, Sciatica, etc., Gravel, Stone in the Bladder, Pain in Back, Lumbago, etc., Sleeplessness, Nervousness, Female Complaints and Irregularities And all Blood Impurities Due to Defective Action of the Kidneys * * * Uric Acid Solvent", (circular) "a specific for Rheumatism and all diseases of the Kidneys and Bladder. * * * by removing the cause, * * * will cure finally any curable case. * * * pale sallow complexion, headache, dyspepsia, * * * and a long train of Diseases. * * * They cure rheumatism, because they cure the kidneys", (testimonials) "permanently cured of obstinate kidney trouble and backache * * * completely cured of kidney trouble, backache and urinary trouble, * * * sure cure for kidney trouble. * * * the best remedy for weak kidneys * * * recommend them to any one with suppression or stoppage of urine. * * * For Backache, Inflammation of the Kidneys, * * * Bladder, * * * Dropsy, Whites or Leucorrhoea * * * Loss of Sleep, Lost Vitality, Painful Menstruation, * * * Catarrh of the Bladder Incontinence of Urine or Inability to Hold Water * * * Strengthen the kidneys and bladder and purify the blood. * * * permanent cures will certainly be the result. * * * If your case is chronic continue their use * * * they will cure any case", (additional circular) "remove acid and keep kidneys and bladder healthy," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently to the purchaser and create in the mind of such purchaser the impression and belief that the article contained ingredients or medical agents effective as a remedy for the aforesaid conditions and diseases, when, in truth and in fact, it contained no ingredients or combination of ingredients capable of producing the effects claimed.

On September 26, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12746. Adulteration of shell eggs. U. S. v. Norfolk Poultry Co., a Corporation. Plea of guilty. Fine, \$5. (F. & D. No. 18583. I. S. No. 7025-v.)

On June 24, 1924, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Norfolk Poultry Co., a corporation, Plainview, Nebr., alleging shipment by said company, in violation of the food and drugs act, on or about July 18, 1923, from the State of Nebraska into the State of Illinois, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,800 eggs from the consignment showed that 192, or 10.67 per cent of those examined, were inedible eggs, consisting of black rots, mixed rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 22, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

HOWARD M. GORE, *Secretary of Agriculture.*

12747. Misbranding and alleged adulteration of white oats. U. S. v. 125 Sacks of Oats. Product relabeled and released. Costs assessed against claimant. (F. & D. No. 18912. I. S. No. 19586-v. S. No. C-4461.)

On August 19, 1924, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the

seizure and condemnation of 125 sacks of oats, at Covington, Tenn., alleging that the article had been shipped by Luehrman Milling & Grain Co., St. Louis, Mo., on or about August 13, 1924, and transported from the State of Missouri into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was invoiced, "White Oats."

Adulteration of the article was alleged in substance in the libel for the reason that wild oats, oat hulls, wheat hulls, traces of corn and barley, trash, dirt, and other foreign substances had been mixed therewith so as to reduce and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, to wit, white oats. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 30, 1924, the Luehrman Milling & Grain Co., St. Louis, Mo., having appeared as claimant for the property, and the court having found that the sacks did not bear a label indicating the true contents thereof and that the said sacks had been properly labeled and the objections raised in the libel substantially overcome, it was ordered by the court that the case be dismissed upon payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12748. Adulteration of canned salmon. U. S. v. 50 Cases of Salmon. Decree entered providing for release of product under bond to be salvaged. (F. & D. No. 17895. I. S. No. 12510-v. S. No. E-4563.)

On November 2, 1923, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases of salmon, at Altoona, Pa., alleging that the article had been shipped by McGovern & McGovern, Seattle, Wash., on or about October 8, 1923, and transported from the State of Washington into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Rose Brand * * * Chum Distributed By Carlisle Packing Co. Seattle, Wash., U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On September 24, 1924, the Carlisle Packing Co., Seattle, Wash., having appeared as claimant and having admitted the allegations of the libel, judgment of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion, under the supervision of this department, and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12749. Adulteration of shell eggs. U. S. v. H. H. Little Commission Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 17939. I. S. No. 6878-v.)

On March 11, 1924, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the H. H. Little Commission Co., a corporation, Forest, Miss., alleging shipment by said company, in violation of the food and drugs act, on or about June 19, 1923, from the State of Mississippi into the State of Louisiana, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From H. H. Little Commission Co. * * * Forest, Miss."

Examination by the Bureau of Chemistry of this department of 1,440 eggs from the consignment showed that 251, or 17.43 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On September 16, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

HOWARD M. GORE, *Secretary of Agriculture.*

12750. Misbranding of butter. U. S. v. Charles F. Harshfield and Otto H. Barnett (LaBelle Creamery Co.). Pleas of guilty. Fine, \$50.
(F. & D. No. 18569. I. S. No. 11924-v.)

On June 13, 1924, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles F. Harshfield and Otto H. Barnett, copartners, trading as LaBelle Creamery Co., Belle Fourche, S. D., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about December 17, 1923, from the State of South Dakota into the State of Wyoming, of a quantity of butter which was misbranded. The article was labeled in part: (Package) "Lily Brand Extra Quality Creamery Butter * * * One Pound Net."

Examination by the Bureau of Chemistry of this department of 90 packages from the consignment showed that the average net weight of the butter contained in the packages examined was 15.48 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the article, was false and misleading in that the said statement represented that each of the said packages contained 1 pound of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the packages contained 1 pound of butter, whereas each of said packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 10, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

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United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12751-12800

[Approved by the Secretary of Agriculture, Washington, D. C., March 2, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

12751. Misbranding of butter. U. S. v. Dakota Creamery Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 18570. I. S. No. 11919-v.)

On June 13, 1924, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dakota Creamery Co., a corporation, Deadwood, S. Dak., alleging shipment by said company, in violation of the food and drugs act as amended, on or about December 18, 1923, from the State of South Dakota into the State of Wyoming, of a quantity of butter, which was misbranded. The article was labeled in part: (Package) "Pasteurized Meadow-Gold * * * butter Contents 1 Lb. Net Butter * * * Distributed By Dakota Creamery Company Deadwood, So. Dak."

Examination by the Bureau of Chemistry of this department of 90 packages from the consignment showed that the average net weight of the contents of the packages examined was 15.3 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit. "Contents 1 Lb. Net," borne on the packages containing the article, was false and misleading, in that it represented that each of the said packages contained 1 pound net of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of butter, whereas each of said packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 17, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12752. Adulteration and misbranding of wheat middlings. U. S. v. Gwinn Bros. & Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 16555. I. S. Nos. 11715-t, 11718-t.)

On September 23, 1924, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gwinn Bros. & Co., Huntington, W. Va., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about September 21, 1921, and March 1, 1922, respectively, from the State of West Virginia into the State of Kentucky, of quantities of wheat middlings which were adulterated and misbranded. The article was labeled in part: (Tag) "Wheat Middlings & Screenings Made By Gwinn Bros. & Co., Huntington, W. Va. Guaranteed Analysis Protein 16.00 Per Cent."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the said samples contained 13.8 and 14.5 per cent of protein, respectively. Examination by said bureau showed that the article contained corn bran.

Adulteration of the article was alleged in the libel for the reason that a product composed in part of corn bran and containing less than 16 per cent of protein had been substituted for a product composed of wheat middlings and ground wheat screenings, 2 per cent, and containing 16 per cent of protein, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Guaranteed Analysis Protein 16.00 Per Cent, * * * Made From: Wheat Middlings Ground Wheat Screenings 2%," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading, in that the said statements represented that the article contained not less than 16 per cent of protein and was made wholly from wheat middlings and ground wheat screenings, 2 per cent, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 16 per cent of protein, and was made wholly from wheat middlings and ground wheat screenings, 2 per cent, whereas, in truth and in fact, the said article did contain less than 16 per cent of protein and was not made wholly from wheat middlings and ground wheat screenings, 2 per cent, but was made in part from corn bran.

On September 29, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Secretary of Agriculture.*

12753. Adulteration and misbranding of white middlings and adulteration of dairy feed. U. S. v. Keister Milling Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 16231. I. S. Nos. 11707-t, 11708-t, 11709-t.)

On September 23, 1924, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Keister Milling Co., a corporation, Huntington, W. Va., alleging shipment by said defendant, in violation of the food and drugs act, from the State of West Virginia into the State of Kentucky, in various consignments, namely, on or about March 18, and April 14, 1921, respectively, of quantities of white middlings which were adulterated and misbranded, and on or about March 1, 1921, of a quantity of dairy feed which was adulterated. The articles were invoiced, respectively, as "White Middlings" and "Dairy Feed."

Analysis of a sample from each of the consignments of white middlings showed that the samples contained rye middlings, rice bran, and rice hulls. Analysis of a sample of the dairy feed showed that it contained a large quantity of rice bran.

Adulteration of the white middlings was alleged in the information for the reason that a mixture composed of rye middlings, rice bran, and rice hulls had been substituted in whole or in part for white middlings, which the article purported to be.

Adulteration of the dairy feed was alleged for the reason that a substance, to wit, rice bran, had been substituted in whole or in part for dairy feed, which the article purported to be.

Misbranding of the white middlings was alleged for the reason that it was a mixture composed in part of rye middlings, rice bran, and rice hulls prepared in imitation of white middlings, and was offered for sale and sold under the distinctive name of another article, to wit, white middlings.

On September 27, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Secretary of Agriculture.*

12754. Adulteration of butter. U. S. v. 42 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18953. I. S. No. 19021-v. S. No. C-4458.)

On August 11, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 42 tubs of butter, at Chicago, Ill., alleging that the article had been shipped by the Rice Lake Creamery Co., from Rice Lake,

Wis., August 5, 1924, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

On October 5, 1924, the Rice Lake Creamery Co., Rice Lake, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so as to remove the excess water and raise the percentage of butterfat to not less than 80 per cent.

HOWARD M. GORE, *Secretary of Agriculture.*

12755. Misbranding of Hooper's anodyne. U. S. v. 57 Bottles of Hooper's Anodyne. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18791. I. S. No. 13075-v. S. No. E-4847.)

On June 20, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 57 bottles of Hooper's anodyne, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the O. P. Hooper Chemical Co., from Chester, Pa., and had been received in part June 3 and in part June 6, 1922, at New York, N. Y., having been transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Administered To Children Suffering From Colic Summer Complaint or Teething It Produces A Most Wonderfully Beneficial Effect. * * * For Violent Colic * * * In Teething"; (carton) "For Babies Relieves Colic, Aids Digestion * * * makes Teething Easy * * * Invigorates The Stomach And Bowels, Prevents Vomiting, Also Inflammation Of The Stomach And Gives Tone And Energy To The Whole System. Will almost instantly Relieve * * * Colic."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of morphine hydrochloride, glycerol, sugar, salicylic acid, and water, flavored with an essential oil, such as spearmint oil.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements appearing on the labels, regarding the article and the ingredients and substances contained therein and the curative and therapeutic effect thereof, were false and fraudulent.

On September 30, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12756. Adulteration of shell eggs. U. S. v. 20 Cases of Shell Eggs. Decree of forfeiture. Product released under bond. (F. & D. No. 18968. I. S. No. 18348-v. S. No. E-4932.)

On or about August 21, 1924, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 cases of shell eggs, remaining in the original unbroken packages at Raleigh, N. C., consigned by the Bristol Produce Co., Bristol, Va., alleging that the article had been shipped from Bristol, Va., on or about August 21, 1924, and transported from the State of Virginia into the State of North Carolina and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in substance in the libel for the reason that it contained 12 per cent of decomposed eggs.

On September 27, 1924, the Bristol Produce Co., Bristol, Va., claimant, having executed a bond in the sum of \$100 in conformity with section 10 of the act, and the product having been released to the said claimant, judgment of the court was entered, forfeiting the product and ordering that the bond be released upon payment of the costs of the proceedings and proof that the eggs had been reconditioned and the inedible eggs rejected.

HOWARD M. GORE, *Secretary of Agriculture.*

12757. Adulteration of tomato puree. U. S. v. 53 Cases and 81 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18782. I. S. Nos. 12956-v, 12957-v. S. No. E-4865.)

On June 11, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 134 cases of tomato puree, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Fairdale Canning Co., from Bridgeton, N. J., November 5, 1923, and transported from the State of New Jersey into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Fairdale Brand Tomato Puree * * * Packed By Fairdale Canning Co., Bridgeton, New Jersey."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 20, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12758. Misbranding of chloroform. U. S. v. 200 Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16766. I. S. No. 4392-v. S. No. C-3781.)

On August 25, 1922, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 quarter-pound tins of chloroform, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped from New York, N. Y., on or about March 10, 1922, and transported from the State of New York into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid and that it contained chlorides, impurities decomposable by sulphuric acid, odorous decomposition products, and chlorinated decomposition products.

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopœia, official at the time of investigation.

On November 26, 1923, no claimant having appeared for the property, a decree of condemnation was entered, based on the finding of the court that the product was misbranded, and it was ordered by the court that it be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12759. Adulteration of chloroform. U. S. v. 4 Tins, et al., of Chloroform. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16706, 16707, 16708. S. Nos. E-4101, E-4102, E-4103.)

On August 4, 1922, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 30 tins of chloroform, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped from Philadelphia, Pa., between the dates of December 16, 1921, and January 21, 1922, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that they were turbid, that upon evaporation they left a foreign odor, and that they contained hydrochloric acid or other chloride, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the labels for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopœia.

On September 12, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12760. Adulteration and misbranding of grape beverage. U. S. v. Val Blatz Brewing Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 17242. I. S. No. 2627-t.)

On April 10, 1923, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Val Blatz Brewing Co., a corporation, Milwaukee, Wis., alleging shipment by said company, in violation of the food and drugs act, on or about May 27, 1922, from the State of Wisconsin into the State of Iowa, of a quantity of grape beverage which was adulterated and misbranded. The article was labeled in part: (Bottle) "Grape Drink Blatz Grape Artificially Flavored And Colored Blatz Products Co."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained little or no fruit and consisted essentially of an artificially colored sugar solution, to which tartaric acid and artificial flavor had been added.

Adulteration of the article was alleged in the information for the reason that a sugar solution artificially colored and flavored had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted for a product derived from grape, which the said article purported to be. Adulteration was alleged for the further reason that it was an article inferior to a product derived from grape, and was artificially colored and flavored so as to simulate the appearance and taste of a product derived from grape and in a manner whereby its inferiority to such product was concealed.

Misbranding was alleged for the reason that the statements in prominent type, to wit, "Grape Drink" and "Grape," not corrected by the statement in very inconspicuous type, "Artificially Colored and Flavored," together with the designs and devices of bunches of grapes, borne on the labels attached to the bottles containing the article, were false and misleading in that they represented that the article was a product derived from grape, namely, a grape juice beverage, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product derived from grape, namely, a grape juice beverage, whereas, in truth and in fact, it was not but was a sugar solution artificially colored and flavored.

On July 2, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Secretary of Agriculture.*

12761. Misbranding of milk chocolate kisses. U. S. v. Fleetwood Chocolate Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 18093. I. S. Nos. 415-v, 416-v.)

On May 19, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Fleetwood Chocolate Co., a corporation, trading at Fleetwood, Pa., alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about March 7 and March 20, 1923, respectively, from the State of Pennsylvania into the State of New York, of quantities of milk chocolate kisses which were misbranded. The article was labeled in part: "Fleetwood Milk Made * * * Chocolate Kisses * * * 5 Pounds Net Weight" (or "2½ Lbs. Net Weight").

Examination by the Bureau of Chemistry of this department of samples from boxes of each size showed that the average net weight of 20 of the

alleged 5-pound boxes was 4 pounds 10.6 ounces and that the average net weight of 12 of the alleged 2½-pound boxes was 2 pounds 5.6 ounces.

Misbranding of the article was alleged in the information for the reason that the statements "5 Pounds Net Weight" and "2½ Lbs. Net Weight," borne on the respective sized boxes containing the said article, were false and misleading in that the said statements represented that the boxes contained 5 pounds, or 2½ pounds, as the case might be, of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the boxes contained 5 pounds, or 2½ pounds, as the case might be, of the article, whereas, in truth and in fact, the said boxes contained less than the amounts declared on the respective boxes. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On October 3, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

12762. Misbranding of butter. U. S. v. 75 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18714. I. S. No. 18249-v. S. No. C-4407.)

On May 31, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 75 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Western Creamery Co., from Kansas City, Mo., on or about May 21, 1924, and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Print) "Net Weight One Pound."

Misbranding of the article was alleged in the libel for the reason that the statement "Net Weight One Pound," borne on the prints, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 14, 1924, the Western Creamery Co., Kansas City, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12763. Misbranding of butter. U. S. v. 29 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18785. I. S. No. 18254-v. S. No. C-4411.)

On June 14, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 29 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Meridian Creamery Co., from Meridian, Miss., on or about May 30, 1924, and transported from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "1 lb. Net Weight."

Misbranding of the article was alleged in the libel for the reason that the statement "1 lb. Net Weight," borne on the cartons containing the article, was false and misleading and deceived and misled the purchaser.

Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 26, 1924, Southern Creameries (Inc.), Meridian, Miss., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12764. Misbranding of butter. U. S. v. 179 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18789. I. S. Nos. 18256-v, 18257-v. S. No. C-4418.)

On or about June 17, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 179 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Willow Springs Creamery Co., Willow Springs, Mo., on or about June 8, 1924, and transported from the State of Missouri into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Shipping package) "Sunset Gold Butter 30 Lbs. Net Willow Springs Creamery Co. Willow Springs, Mo."; (retail package) "1 Lb. Net." The remainder of the said article was labeled in part: (Shipping package) "Plain $\frac{1}{4}$ Lb. Prints 30 Lbs. Net. Divided From Willow Springs Creamery Co., Willow Springs, Mo."

Misbranding of the article was alleged in the libel for the reason that the statements "1 Lb. Net Weight" and " $\frac{1}{4}$ Lb. Prints 30 Lbs. Net." appearing on the labels of the respective lots, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 26, 1924, the Willow Springs Creamery Co., Willow Springs, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12765. Adulteration and misbranding of butter. U. S. v. 15 Cases of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18301. I. S. No. 7484-v. S. No. C-4280.)

On February 12, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Central Produce Co., from Temple, Tex., on or about February 2, 1924, and transported from the State of Texas into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, for the further reason that moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, to wit, butterfat, had been wholly or in part abstracted therefrom.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 29, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12766. Misbranding of Ark-A-Lu. U. S. v. 52 Bottles, et al., of Ark-A-Lu. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18034, 18035, 18036. I. S. Nos. 7224-v, 7225-v, 7227-v. S. Nos. C-4185, C-4186, C-4188.)

On November 20, 1923, the United States attorney for the Eastern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 126 bottles of Ark-A-Lu, remaining in the original unbroken packages at Marshall, Tex., alleging that the article had been shipped by the Vawter Drug Stores, from Monroe, La., in part June 27, 1923, and in part June 29, 1923, and transported from the State of Louisiana into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of magnesium sulphate, iron chloride, nitric and hydrochloric acids, and water, flavored with methyl salicylate.

Misbranding of the article was alleged in the libels for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, (bottle label) "Stomach Kidney And Liver Medicine * * * for * * * Diseases * * * Of The Stomach, Liver And Kidneys * * * in the following forms: Catarrh, Indigestion or Dyspepsia * * * Rheumatism, Kidney And Bladder Troubles, Piles, Scrofula and so-called Blood Diseases, Chills, Fever, Ague And Nervousness. * * * Nerve Tonic for thin, weak, nervous rundown persons. * * * to cast out the impurities from the system," were false, fraudulent, and misleading, in that the said article contained no ingredients or combination thereof capable of producing the effects claimed.

On October 6, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12767. Misbranding of Ark-A-Lu. U. S. v. 26 Bottles of Ark-A-Lu! Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18037. I. S. No. 7226-v. S. No. C-4187.)

On November 20, 1923, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 26 bottles of Ark-A-Lu, remaining in the original unbroken packages at Marshall, Tex., alleging that the article had been shipped by the Goode-Cage Drug Co. from Shreveport, La., on or about June 30, 1923, and transported from the State of Louisiana into the State of Texas, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of magnesium sulphate, iron chloride, nitric and hydrochloric acids, and water, flavored with methyl salicylate.

Misbranding of the article was alleged in the libel for the reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, (bottle label) "Stomach Kidney And Liver Medicine. The Great Restorative * * * for * * * diseases * * * Of The Stomach, Liver And Kidneys * * * in the following forms: Catarrh, Indigestion or Dyspepsia * * * Rheumatism, Kidney And Bladder Troubles, Piles, Scrofula and so-called Blood Diseases, Chills, Fever, Ague And Nervousness * * * Nerve tonic for thin, weak, nervous, rundown persons * * * to cast out the impurities from the system," were false, fraudulent, and misleading, in that the article contained no ingredients or combination thereof capable of producing the effects claimed.

On October 6, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12768. Misbranding of flour. U. S. v. 200 Sacks, et al. of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18831. I. S. Nos. 20389-v, 20390-v, 20391-v, 20392-v. S. No. W-1525.)

On July 16, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 800 sacks of flour, remaining in the original unbroken packages at Oakland, Calif., alleging that the article had been shipped by the Pocatello Milling & Elevator Co., from Pocatello, Idaho, June 24, 1924, and transported from the State of Idaho into the State of California, and charging misbranding in violation of the food and drugs act, as amended. The article was labeled variously: (Sack) "Amylon Flour 98 Lbs. When Packed Matured Bleached"; "Mascot Flour Matured Bleached 98 Lbs. When Packed"; "Bakers Maximoi Flour Matured Bleached 98 Lbs. When Packed"; "Hard Segring Monida Baker Matured Bleached 98 Lbs. When Packed."

Misbranding of the article was alleged in the libel for the reason that the statement "98 Lbs. When Packed," appearing in the labeling, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 16, 1924, H. L. Dalton, Oakland, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the weight of the contents of the sacks be altered, under the supervision of this department, to conform with the law.

HOWARD M. GORE, *Secretary of Agriculture.*

12769. Adulteration of tomato catsup. U. S. v. 24 Cases of Tomato Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18289. I. S. No. 12452-v. S. No. C-4275.)

On February 7, 1924, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 24 cases of tomato catsup, remaining in the original unbroken packages at Columbus, Ohio, consigned November 24, 1923, alleging that the article had been shipped by the Brooks Tomato Products Co., Shirley, Ind., and transported from the State of Indiana into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Jug) "M'fg. By Brooks Tomato Products Co., Collinsville, Ill."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 13, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12770. Misbranding of D-O-D. U. S. v. 72 Packages of D-O-D. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17487. I. S. No. 4522-v. S. No. C-3972.)

On May 5, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 72 packages of D-O-D, remaining in the original unbroken packages at Columbus, Ohio, consigned March 29, 1923, alleging that the article had been shipped by R. Burbach, West Allis, Wis., and transported from the State of Wisconsin into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of approximately 93 per cent sodium bicarbonate, 6 per cent potassium permanganate, 0.3 per cent magnesium sulphate, and small quantities of carbon and oxides of manganese.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling, (label and carton) "Guaranteed when used according to directions to relieve any disease caused by poison or Bacteria or money refunded," (label) "D-O-D * * * invaluable in treating a great many different kinds of diseases. It Kills All Poison in the human system," (carton) "Gangrene * * * Eczema * * * Rashes and other Skin Diseases; * * * Dyspepsia Dysentery Cholera Morbus Indigestion Colic Pyorrhea * * * Colds Sore Throat Bronchitis Catarrh Hay Fever Grippe Influenza, etc.," (circular) "a remedy has been discovered that will kill poison and bacteria in the human system wherever it can be reached, regardless of the disease—and that remedy is D-O-D * * * provides permanent relief to sufferers from every disease that is caused by poison * * * most all diseases are caused by poison in the human system, * * * taken internally will kill the poison in the stomach and bowels which is responsible for * * * Dyspepsia, Dysentery, * * * Cholera Morbus, Ulcers, Ptomaine Poison and many other kindred ailments * * * Gangrene * * * Eczema, Piles, * * * Rashes, * * * and other skin

diseases. * * * D-O-D when brought to steam or vapor and inhaled will kill the bacteria and poison in the nasal ducts, throat, bronchial tubes, and lungs, thereby giving almost immediate relief from Colds, Sore Throat, Bronchitis, Catarrh, Hay Fever, Grippe, Headache and Influenza. By killing the poison which causes these diseases, nature will quickly restore the affected parts to normal strength. * * * Diabetes * * * Shingles * * * Barbers Itch * * * Dandruff * * * Asthma * * * continue until recovery is complete. * * * heal all kinds of skin diseases * * * diabetic gangrene * * * stomach troubles," were false and fraudulent, in that by reason of the said statements the article purported to be a cure for the said diseases, disorders, and symptoms, whereas it contained no ingredients capable of producing the curative and therapeutic effects claimed.

On July 15, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12771. Adulteration and misbranding of prepared mustard. U. S. v. 63 Barrels of Prepared Mustard. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18595. I. S. No. 15092-v. S. No. E-4805.)

On April 18, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 63 barrels of prepared mustard, remaining in the original unbroken packages at Baltimore, Md., consigned March 25, 1924, alleging that the article had been shipped by J. P. Smith & Co., from New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Barrel) "48 Gallon Prepared Mustard Compound Mustard Seed Mustard Bran, Turmeric Spices Salt & Vinegar."

Adulteration of the article was alleged in the libel in that a substance, added mustard bran, mixed and colored in a manner whereby damage or inferiority was concealed, had been mixed and packed with the said article so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement appearing in the labeling, "Prepared Mustard," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On May 8, 1924, Helwig & Leitch, Baltimore, Md., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$900, in conformity with section 10 of the act, conditioned in part that it be relabeled to show its content of mustard bran.

HOWARD M. GORE, *Secretary of Agriculture.*

12772. Adulteration of coal-tar color. U. S. v. 102 Pounds of Coal Tar. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 14815. I. S. Nos. 4493-t, 4494-t. S. No. C-2981.)

On April 23, 1921, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 102 pounds of coal-tar color, at Tyler, Tex., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., September 14, 1920, and transported from the State of Missouri into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "W. B. Wood Mfg. Co., St. Louis, Mo. Complies With All Requirements Quality Color Warranted * * * Number 10 Contents Red" (or "Number 1010 Contents Purple").

Adulteration of the article was alleged in the libel for the reason that sodium chloride and sodium sulphate had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it contained an added poisonous or deleterious ingredient, arsenic, which might render such article injurious to health.

On April 29, 1924, no claimant having appeared for the property, after submission of evidence by the Government, a judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12773. Adulteration of canned sardines. U. S. v. 50 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17985. I. S. Nos. 1976-v, 2159-v. S. No. E-4566.)

On November 8, 1923, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases, each containing 100 cans of sardines, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by L. D. Clark & Son, from Eastport, Me., on or about October 13, 1923, and transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Banquet Brand American Sardines In Cotton Seed Oil Packed by L. D. Clark & Son, Eastport, Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On October 15, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12774. Misbranding of butter. U. S. v. 3 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18983. I. S. No. 20174-v. S. No. W-1547.)

On August 8, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of three cases of butter at San Francisco, Calif., alleging that the article had been shipped by the Western Meat Co., from San Francisco, Calif., July 26, 1924, and transported from the State of California into the Territory of Hawaii (returned by the consignor to San Francisco), and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Parkdale Brand Creamery Butter 1 Pound Net Weight Distributed by Western Meat Co., San Francisco."

Misbranding of the article was alleged in the libel for the reason that the statement "1 Pound Net Weight" was false and misleading and deceived and misled the purchaser, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 8, 1924, the Western Meat Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12775. Adulteration and misbranding of lemon extract. U. S. v. Shepard Baking Powder Co., a Corporation. Plea of nolo contendere. Fine, \$100. (F. & D. No. 15575. I. S. No. 177-t.)

On January 10, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Shepard Baking Powder Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about June 21, 1921, from the State of Missouri into the State of Illinois, of a quantity of lemon extract which was adulterated and misbranded. The article was labeled in part: (Bottle) "Keystone Brand Terpeneless Lemon Extract * * * Manufactured by Shepard Baking Pwd. Co. St. Louis."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a dilute terpeneless extract of lemon, deficient in citral.

Adulteration of the article was alleged in the information for the reason that a diluted terpeneless lemon extract, deficient in citral, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength and had been substituted in part for terpeneless lemon extract, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Terpeneless Lemon Extract," borne on the labels attached to the bottles containing the article, was false and misleading in that the said statement represented that the article was genuine terpeneless lemon extract, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was genuine terpeneless lemon extract, whereas, in truth and in fact, it was not genuine terpeneless lemon extract but was a diluted terpeneless extract of lemon, deficient in citral.

On May 15, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Secretary of Agriculture.*

12776. Adulteration and misbranding of mustard. U. S. v. Libby, McNeill & Libby, a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 13921. I. S. No. 2175-r.)

On February 7, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Libby, McNeill & Libby, trading at Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about October 3, 1918, from the State of Illinois into the State of California, of a quantity of mustard which was adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained wheat starch and was colored with turmeric.

Adulteration of the article was alleged in the information for the reason that cereal products had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, for the further reason that cereal products had been substituted in part for mustard, which the said article purported to be, and for the further reason that it was a product inferior to mustard, to wit, a product composed in part of cereal products prepared in imitation of mustard, and was colored with turmeric so as to simulate the appearance of mustard in a manner whereby its inferiority to mustard was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Mustard," borne on the barrels containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of mustard, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of mustard, whereas, in truth and in fact, it did not so consist but did consist in part of cereal products artificially colored. Misbranding was alleged for the further reason that the article was a mixture composed in part of cereal products artificially colored with turmeric, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, mustard.

On February 6, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

12777. Misbranding of DeWitt's eclectic cure. U. S. v. 7 Dozen Bottles of Dr. DeWitt's Electric [Eclectic] Cure. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16486. S. No. E-3991.)

On July 12, 1922, the United States attorney for the Northern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 dozen bottles of Dr. DeWitt's electric [eclectic] cure, remaining in the original unbroken packages at Cotton Bluff, Fla., alleging that the article had been shipped by the W. J. Parker Co., Baltimore, Md., on or about March 21, 1922, and transported from the State of Maryland into the State of Florida, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of volatile oils, including peppermint and sassafras oils, spices, including capsicum and ginger, ether, 67 per cent of alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effects of the said article, appearing in the labeling, (bottle label) "Cure * * * For Cramps, Colic and Diarrhoea * * * Indigestion * * * Horse Colic * * *," (carton) "Cure * * * for Indigestion, Diarrhoea, Cramps, Cramp Colic, Neuralgia, Headache, Toothache, Sore Throat, etc. * * * Cholera Morbus * * * Rheumatism and Pains generally * * * Sprains or Frosted Feet," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 11, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12778. Adulteration of canned salmon. U. S. v. 1,280 Cases of Salmon. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17760. I. S. No. 11487-v. S. No. W-1413.)

On September 5, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,280 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Auk Bay Salmon Canning Co., from Auk Bay, Alaska, August 16, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On April 9, 1924, the Auk Bay Salmon Canning Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be segregated under the supervision of this department, the good portion to be released and the remainder disposed of in accordance with law.

HOWARD M. GORE, *Secretary of Agriculture.*

12779. Misbranding of Foley kidney pills. U. S. v. 2-11/12 Dozen Large Bottles, et al., of Foley Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 18041, 18042, 18043. S. Nos. E-4578, E-4579, E-4580.)

On November 16, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of $8\frac{3}{4}$ dozen large bottles and $16\frac{1}{2}$ dozen small bottles of Foley kidney pills, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Foley & Co., from Chicago, Ill., in various consignments, namely, on or about April 19, September 17, and October 4, 1923, respectively, and transported from the State of Illinois into the State of New York and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of pills containing potassium nitrate, methylene blue, hexamethylene tetramine, and material derived from plant sources, including resin and volatile oil similar to juniper oil, coated with sugar and calcium carbonate.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding the curative and therapeutic effect of the said article were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle label, carton, and circular) "Kidney Pills for Irritation;" (circular, "Irritations") "of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders;" (circular) "kidneys * * * weakened by disease * * * inflamed and congested * * * In addition to taking Foley Kidney Pills, we offer a few simple, but practical suggestions, for the benefit of those having kidney and bladder troubles. 1st—Water should be drunk freely * * * 2nd—The bowels must be kept active * * * 3rd—The diet is of great importance;" (circular for small size only) "Satisfaction guaranteed."

On September 30, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12780. Adulteration and misbranding of caviar. U. S. v. 7 Cases, et al., of Caviar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19009. I. S. Nos. 20417-v, 20418-v. S. No. W-1585.)

On September 22, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 cases, each containing 6 dozen cans and 77 cans, of caviar, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Austin Nichols Co. from New York, N. Y., in part March 20, 1924, and in part April 28, 1924, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Casino Brand Caviar Chelsea Packing Co. New York."

Adulteration of the article was alleged in the libel for the reason that a substance, an artificially colored roe other than sturgeon, had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the designation "Caviar" was false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of and sold under the distinctive name of another article.

On October 10, 1924, the Austin Nichols Co., New York, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12781. Adulteration and misbranding of wahoo root bark. U. S. v. 14 Bags of Wahoo Root Bark. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17752. I. S. No. 546-v. S. No. E-4476.)

On September 6, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 bags of wahoo root bark, at Jersey City, N. J., alleging that the article had been shipped by the Hamilton, Bacon, Hamilton Co., from Bristol, Va., on or about July 12, 1923, and transported from the State of Virginia into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of the root bark of *Aralia spinosa* and contained no wahoo bark.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in the said National Formulary, official at the time of investigation, and for the further reason that its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the statement on the package containing the article, "Wahoo Rt Bk.," was false and misleading. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the name of another article, to wit, wahoo root bark.

On June 4, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12782. Misbranding of oysters. U. S. v. Ivy L. Leonard and Thomas B. Leonard (I. L. Leonard & Co.). Plea of guilty. Fine, \$10. (F. & D. No. 18737. I. S. Nos. 6758-v, 15290-v, 15291-v.)

On September 19, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ivy L. Leonard and Thomas B. Leonard, copartners, trading as I. L. Leonard & Co., Cambridge, Md., alleging shipment by said defendants, in violation of the food and drugs act as amended, in various consignments, namely, on or about December 11 and 12, 1923, respectively, from the State of Maryland into the State of Massachusetts, and on or about December 12, 1923, from the State of Maryland into the State of Illinois, of quantities of oysters which were misbranded. The article was contained in cans labeled variously: "Minimum 1 Gallon Volume"; "Selects Minimum Volume 1 Gallon"; "Minimum Volume 1 Gallon."

Examination of the article by the Bureau of Chemistry of this department showed that the cans contained approximately 5 per cent less than 1 gallon of oysters.

Misbranding of the article was alleged in the information for the reason that the statements "Minimum 1 Gallon Volume," "Selects Minimum Volume 1 Gallon," or "Minimum Volume 1 Gallon," as the case might be, borne on the cans containing the said article, were false and misleading in that the said statements represented that each of said cans contained 1 gallon of oysters, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 1 gallon of oysters, whereas, in truth and in fact, each of said cans did not contain 1 gallon of oysters but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about October 23, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10.

HOWARD M. GORE, *Secretary of Agriculture.*

12783. Misbranding of cottonseed meal. U. S. v. 500 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18803. I. S. No. 2425-v. S. No. E-4872.)

On June 24, 1924, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 sacks of cottonseed meal, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Hayes Grain Co., Little Rock, Ark., alleging that the article had been shipped from Little Rock, Ark., May 26, 1924, and transported from the State of Arkansas into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Hayes Brand Cotton Seed Meal, * * * Guaranteed Analysis Protein 43% * * * Manufactured For Hayes Grain & Commission Co., Chicago, Ill."

Misbranding of the article was alleged in substance in the libel for the reason that the statement, "Hayes Brand Cotton Seed Meal, * * * 101 Lbs. Gross—100 Lbs. Net Guaranteed Analysis Protein 43%," was false and misleading and deceived and misled the purchaser, in that the said article was deficient in protein.

On August 19, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12784. Adulteration of canned salmon. U. S. v. 50 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17896. I. S. No. 12510-v. S. No. E-4561.)

On November 5, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying the seizure and condemnation of 50 cases, each containing 4 dozen cans of salmon, at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Rose Brand

* * * Contents One Pound Chum Distributed By Carlisle Packing Co. Seattle, Wash., U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On October 20, 1924, the Carlisle Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion under the supervision of this department, and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12785. Adulteration of butter. U. S. v. Idaho Creamery Co., a Corporation. Plea of guilty. Fine, \$150. (F. & D. No. 18355. I. S. No. 8121-v.)

On or about July 23, 1924, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Idaho Creamery Co., a corporation, Preston, Idaho, alleging shipment by said company, in violation of the food and drugs act, on or about January 16, 1923, from the State of Idaho into the State of California, of a quantity of butter which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 79.11 per cent of butterfat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the article purported to be.

On October 21, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

HOWARD M. GORE, *Secretary of Agriculture.*

12786. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 19075. I. S. No. 13989-v. S. No. E-4975.)

On October 7, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 13 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Tilden Produce Co., St. Paul, Minn., on or about September 25, 1924, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On October 21, 1924, the Tilden Produce Co., St. Paul, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$350, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department, so that it should contain at least 80 per cent of butterfat.

HOWARD M. GORE, *Secretary of Agriculture.*

12787. Adulteration and misbranding of butter. U. S. v. 8 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 19076. I. S. No. 13171-v. S. No. E-4976.)

On October 8, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel praying the seizure and condemnation of eight tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Corry Creamery Co., from Corry, Pa., on or about September 27, 1924, and transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality or strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On October 21, 1924, the Phenix Cheese Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$364, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department, so that it should contain at least 80 per cent of butterfat.

HOWARD M. GORE, *Secretary of Agriculture.*

12788. Adulteration of canned salmon. U. S. v. 1,113 Cases and 3,997 Cases of Salmon. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 14213, 14225. I. S. Nos. 10559-t, 10560-t. S. Nos. W-837, W-838.)

On January 18 and 19, 1921, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 5,110 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Pioneer Packing Co., from Cordova, Alaska, in part August 16, 1920, and in part September 2, 1920, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Parcel Post Brand Choice Pink Salmon," or "Westport Brand Pink Salmon." The remainder of the article was contained in unlabeled cans.

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On September 8, 1924, the Pioneer Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$6,000, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion under the supervision of this department, and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12789. Adulteration of butter. U. S. v. 157 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 18772. I. S. No. 20057-v. S. No. W-1514.)

On June 3, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 157 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Union Creamery Co., from La Grande, Oreg., May 14, 1924, and transported from the State of Oregon into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been mixed and packed therewith so as to

reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, butterfat, had been abstracted from the said article.

On September 26, 1924, the Union Creamery Co., La Grande, Oreg., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that it be reconditioned under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12790. Misbranding of butter. U. S. v. 4 Boxes, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18958. I. S. Nos. 20281-v, 20282-v, 20283-v. S. No. W-1558.)

On August 14, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 19 cases of butter, remaining in the original unbroken packages at Seattle, Wash., delivered for shipment by Frye & Co., Seattle, Wash., August 12, 1924, alleging that the article had been prepared for shipment from the State of Washington into the Territory of Alaska, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Wrapper) "Mayflower Fancy Creamery Butter" (or "Wild Rose Fancy Creamery Butter") " * * * One Pound Net Weight."

Misbranding of the article was alleged in the libel for the reason that it was food in package form and the quantity of the contents was not marked plainly and conspicuously on the outside of the package.

On August 19, 1924, Frye & Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12791. Adulteration of canned clams. U. S. v. 52 Cases of Canned Clams. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18800. I. S. No. 20379-v. S. No. W-1519.)

On June 20, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 52 cases of canned clams, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Warrenton Clam Co., Copalis, Wash., alleging that the article had been shipped from Copalis, Wash., on or about June 3, 1924, and transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Warrenton Brand Pure Whole Clams, Warrenton Clam Co., Warrenton, Oregon. Net Contents 1 Lb. 2 Oz."

Adulteration of the article was alleged in the libel for the reason that excessive water or brine had been mixed and packed with and substituted wholly or in part for the said article.

On July 22, 1924, the Johnson Locke Mercantile Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$515, in conformity with section 10 of the act, conditioned in part that it be relabeled, "Slack Filled Contains Excessive Brine. Minimum Contents 7¼ Oz. Clam Meat. This Size Can Should Contain 9 Oz. Clam Meat," under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12792. Adulteration of canned salmon. U. S. v. 1,000 Cases of Salmon. Decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 15628. I. S. No. 4253-t. S. No. C-3329.)

On November 22, 1921, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,000 cases of salmon at Morristown, Tenn., alleging that the article had been shipped during the month of October, 1921, from Vancouver, British Columbia, by W. R. Beatty & Co., and transported from a foreign country into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Kay-Square Brand Select Pink Salmon Kenai Packing Co., Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted in large part, if not wholly, of a filthy, decomposed, and putrid animal substance.

On December 20, 1923, J. F. Goodson & Co. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, in conformity with section 10 of the act, conditioned in part that the product be reconditioned by actual recanning, and that the bad portion be destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12793. Misbranding of Smith's buchu lithia pills. U. S. v. 6 Dozen Boxes of Smith's Buchu Lithia Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17903. S. No. E-4553.)

On November 5, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 dozen boxes of Smith's buchu lithia pills, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by W. F. Smith, from Boston, Mass., on or about October 29, 1923, and transported from the State of Massachusetts into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was an iron-oxide-coated pill containing powdered licorice, extracts of plant drugs, including uva ursi and podophyllum, sodium, potassium, lithium, and magnesium compounds, including nitrate and citrate, and soap.

Misbranding of the article was alleged in the libel for the reason that the following statements, borne on the box containing the said article and in the accompanying circular, regarding the curative and therapeutic effects of the article, (box and circular) "For Rheumatism And All Diseases Of The Kidneys, Blood And Urinary Organs. Bright's Disease, Congestion of the Kidneys, Bladder Troubles, Dropsical Swellings, Cystitis, Nephritis, Diabetes, Nervous Debility, Malaria, Gout, Neuralgia, Sciatica, etc., Gravel, Stone in the Bladder, Pain in Back, Lumbago, etc., Sleeplessness, Nervousness, Female Complaints and Irregularities And all Blood Impurities Due to Defective Action of the Kidneys * * * Uric Acid Solvent," (circular) "a specific for Rheumatism and all diseases of the Kidneys and Bladder. * * * by removing the cause, * * * will cure finally any curable case. * * * pale sallow complexion, headache, dyspepsia, * * * and a long train of diseases. * * * They cure rheumatism, because they cure the kidneys * * *," (testimonials) "permanently cured of obstinate kidney trouble and backache * * * completely cured of kidney trouble, backache and urinary trouble, * * * sure cure for kidney trouble. * * * the best remedy for weak kidneys * * * recommend them to any one with suppression or stoppage of urine. For Backache, Inflammation of the Kidneys, * * * Bladder, * * * Dropsy, Whites or Leucorrhoea * * * Loss of Sleep, Lost Vitality, Painful Menstruation, * * * Catarrh of the Bladder Incontinence of Urine or Inability to Hold Water * * * In all old or chronic cases * * * to remove the uric acid * * * strengthen the kidneys and bladder and purify the blood. * * * permanent cures will certainly be the result. * * * If your case is chronic continue their use * * * they will cure any case," were false

and fraudulent, in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 8, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12794. Adulteration and misbranding of cottonseed meal. U. S. v. 150 Sacks of Cottonseed Meal. Decree entered ordering product released under bond to be relabeled. (F. & D. No. 18152. I. S. No. 10590-v. S. No. E-4604.)

On or about December 11, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 150 sacks of cottonseed meal, remaining in the original unbroken packages at Hurlock, Md., alleging that the article had been shipped by the Eastern Cotton Oil Co., from Elizabeth City, N. C., on or about October 31, 1923, and transported from the State of North Carolina into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance low in protein and high in crude fiber had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole and in part for the said article.

Misbranding was alleged for the reason that the statements, "Guaranteed Analysis Protein (minimum) 43.00% Ammonia (minimum) 8.37% Crude Fibre (maximum) 10.00%," borne on the label attached to each of the sacks containing the article, were false and misleading and deceived and misled the purchaser in that the said statements represented to purchasers that the article contained not less than 43 per cent of protein, not less than 8.37 per cent of ammonia, and not more than 10 per cent of crude fiber, whereas the said article did contain less than 43 per cent of protein, less than 8.37 per cent of ammonia, and more than 10 per cent of crude fiber. Misbranding was alleged for the further reason that it was offered for sale under the distinctive name of another article, to wit, cottonseed meal, whereas it was not cottonseed meal but was a product deficient in protein and containing an excessive amount of crude fiber.

On October 17, 1924, the Eastern Cotton Oil Co., Elizabeth City, N. C., having appeared as claimant for the property, judgment of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$800, in conformity with section 10 of the act, conditioned in part that it be relabeled.

HOWARD M. GORE, *Secretary of Agriculture.*

12795. Misbranding of butter. U. S. v. Charles T. Myers (Alamosa Creamery Co.). Plea of guilty. Fine, \$50 and costs. (F. & D. No. 18102. I. S. Nos. 11390-v, 11396-v.)

On June 20, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles T. Myers, trading as Alamosa Creamery Co., Alamosa, Colo., alleging shipment by said defendant, in violation of the food and drugs act as amended, in two consignments, namely, on or about April 2 and April 5, 1923, respectively, from the State of Colorado into the State of New Mexico, of quantities of butter which was misbranded. The article was labeled in part: (Package) "1 Pound Manufactured By Alamosa Creamery Company Alamosa—Colorado * * * Net Weight 16 Ounces Golden Purity Butter."

Analysis by the Bureau of Chemistry of this department of 30 packages from each of the consignments showed that the average net weight of each lot was 15.2 ounces.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "1 Pound" and "Net Weight 16 Ounces," borne on the packages containing the article, were false and misleading, in that the said statements represented that the packages contained 1 pound of the article, and contained 16 ounces of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief

that each of the said packages contained 1 pound of the article and contained 16 ounces net weight of the article, whereas, in truth and in fact, each of said packages contained less than 1 pound of the article and contained less than 16 ounces thereof. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 28, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Secretary of Agriculture.*

12796. Misbranding and alleged adulteration of Star milk mash, Star-Chic-A chick feeds, and Star buttermilk growing mash. U. S. v. 10 Sacks of Milk Mash, et al. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 17444. I. S. Nos. 1118-v, 1119-v, 1120-v, 1478-v, 1479-v. S. No. E-4350.)

On April 3, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying the seizure and condemnation of 10 sacks, each containing 100 pounds of Star milk mash for laying fowls, 4 sacks, each containing 100 pounds, and 45 sacks, each containing 25 pounds, of Star-Chic-A buttermilk food for baby chicks, 15 sacks, each containing 25 pounds, and 20 sacks, each containing 12½ pounds of Star buttermilk growing mash, 114 packages, each containing 2½ pounds, and 65 packages, each containing 5 pounds, of Star-Chic-A food for baby chicks with buttermilk, at Washington, D. C., alleging that the articles were being offered for sale and sold in the District of Columbia, on March 30, 1923, by the Star Food & Remedy Co., and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled variously: "Star Milk Mash * * * Manufactured By Star Food & Remedy Co., Washington;" "Star Chic-A;" "Star Buttermilk Growing Mash."

Adulteration of the articles was alleged in the libel for the reason that a substance low in protein and fat and, in the case of the Star buttermilk growing mash, containing excessive crude fiber, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength and had been substituted wholly or in part for the said articles.

Misbranding was alleged in substance for the reason that the packages and labels bore statements regarding the articles and the ingredients and substances contained therein, to wit, (Star milk mash for laying fowls) "Guaranteed Analysis Crude Protein Not Less than 20% Crude Fat Not Less than 6%," (Star-Chic-A buttermilk food for baby chicks) "Analysis Crude Protein—17 Per ct. Crude Fat—5 Per ct.," (Star buttermilk growing mash) "Analysis Crude Protein—17 Per ct. Crude Fat—5 Per ct.—Crude Fiber 3 Per ct.," (Star-Chic-A food for baby chicks with buttermilk) "Analysis * * * Crude Protein 17% Crude Fat 5%," which were false and misleading in that the said statements represented that the articles contained the proportions of crude protein, crude fat, and crude fiber declared in the said labels, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained the proportions of crude protein, crude fat, and crude fiber declared in the labels, whereas, in truth and in fact, the articles contained less protein and fat than so declared and the Star buttermilk growing mash contained more than 3 per cent of crude fiber.

On April 27, 1924, the Star Food & Remedy Co., Washington, D. C., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the products to be misbranded and ordering their condemnation and forfeiture, and it was further ordered by the court that the said products be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

12797. Adulteration and misbranding of pineapple hearts and chocolate-covered cherries in sirup. U. S. v. 11 Boxes of Pineapple Hearts and 28 Boxes of Chocolate-Covered Cherries in Sirup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17644, 17645. I. S. Nos. 635-v, 636-v. S. No. E-4433.)

On or about July 17, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure

and condemnation of 11 boxes of pineapple hearts and 28 boxes of chocolate-covered cherries in sirup, at Newark, N. J., alleging that the articles had been shipped by the Anitro Candy Co., (Inc.), Brooklyn, N. Y., on or about June 14, 1923, and transported from the State of New York into the State of New Jersey and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled respectively: "100 s Chocolate Coated Light Pineapple Hearts" and "Anitro Sweets Chocolate Covered Cherries In Syrup * * * Anitro Candy Co. Inc. Manufacturers Brooklyn, N. Y. * * * Light."

Adulteration of the articles was alleged in the libels for the reason that a substance, to wit, chocolate colored with coal-tar color, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength and had been substituted in whole or in part for the said articles. Adulteration was alleged for the further reason that the articles were colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the packages containing the articles bore the statement "Chocolate * * * Light," which was false and misleading and deceived and misled the purchaser.

On March 28, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12798. Misbranding of apples. U. S. v. Iron City Produce Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 16220. I. S. No. 5869-t.)

On May 12, 1922, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Iron City Produce Co., a corporation, trading at Pittsburgh, Pa., alleging shipment by said company, in violation of the food and drugs act as amended, on or about November 10, 1920, from the State of New York into the State of Pennsylvania, of a quantity of apples which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 18, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

HOWARD M. GORE, *Secretary of Agriculture.*

12799. Adulteration and misbranding of butter. U. S. v. 265 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18829. I. S. No. 16146-v. S. No. E-4940.)

On June 25, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 265 tubs of butter, remaining in the original, unbroken packages at Philadelphia, Pa., consigned by the Miami Valley Coop. Milk Products Assoc., Dayton, Ohio, alleging that the article had been shipped from Dayton, Ohio, on or about June 11, 1924, and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "From The Miami Valley Coop Milk Products Assn F. 36000."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive water, had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and in that a valuable constituent of the article, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 1, 1924, Frank Hellerick & Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$6,000, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12800. Adulteration of butter. U. S. v. 121 Cubes of Butter. Product released under bond to be rechurned. (F. & D. No. 18894. I. S. No. 11679.-v. S. No. W-1536.)

On or about July 25, 1924, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 121 cubes of butter, remaining in the original, unbroken packages at Los Angeles, Calif., consigned by the Jerome Co-operative Creamery, Jerome, Idaho, alleging that the article had been shipped from Jerome, Idaho, on or about July 5, 1924, and transported from the State of Idaho into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted wholly or in part for butter, and for the further reason that a valuable constituent, milk fat, had been in part abstracted therefrom.

On September 4, 1924, the Jerome Co-operative Creamery having appeared as claimant for the property, and the product having theretofore been released under bond to the said claimant and reworked and rechurned so that it met the requirements of the act, a final decree was entered dismissing the libel and ordering that the Government recover its costs.

HOWARD M. GORE, *Secretary of Agriculture.*

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Coal-tar color. <i>See</i> Color.		Pineapple hearts. <i>See</i> Confectionery.	
Color, coal-tar:		Puree. <i>See</i> Tomato.	
Wood, W. B., Mfg. Co.	12772	Salmon. <i>See</i> Fish.	
Confectionery, chocolate candy:		Sardines. <i>See</i> Fish.	
Fleetwood Chocolate Co.	12761	Shellfish, clams:	
chocolate-covered cherries:		Warrington Clam Co.	12791
Anitro Candy Co.	12797	oysters:	
pineapple hearts:		Leonard, I. L., & Co.	12782
Anitro Candy Co.	12797	Smith's buchu lithia pills:	
Cottonseed meal. <i>See</i> Feed.		Smith, W. F.	12793
D-O-D:		Tomato catsup:	
Burbach, R.	12770	Brooks Tomato Products Co.	12769
DeWitt's eclectic cure:		puree:	
Parker, W. J., Co.	12777	Fairdale Canning Co.	12757
Eclectic cure:		Wahoo root bark:	
Parker, W. J., Co.	12777	Hamilton, Bacon, Hamilton	
Eggs:		Co.	12781
Bristol Produce Co.	12756		
Extract, lemon:			
Shepard Baking Powder Co.	12775		

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12801-12850

[Approved by the Secretary of Agriculture, Washington, D. C., March 10, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

12801. Adulteration and misbranding of milk chocolate bells. U. S. v. Klein Chocolate Co., Inc., a Corporation. Plea of guilty. Fine, \$80. (F. & D. No. 18316. I. S. Nos. 1462-v, 1463-v, 1464-v.)

On September 19, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Klein Chocolate Co., Inc., a corporation, Elizabethtown, Pa., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about December 4 and 8, 1922, and January 26, 1923, respectively, from the State of Pennsylvania into the State of Maryland, of quantities of milk chocolate bells which were adulterated and misbranded. The article was contained in pails and boxes labeled in part: "Klein's Sweet Milk Chocolate Silver Bells;" (pail) "25 Lbs. Net;" (box) "5 Lbs. Net Weight."

Examination by the Bureau of Chemistry of this department of a sample from each of the three consignments showed that the said samples contained excessive quantities of cacao shells. Examination by said bureau showed also that the average net weight of 3 of the 25-pound pails was 23 pounds 13 ounces, and the average net weight of 4 of the 5-pound pails of one shipment was 4 pounds 12 ounces.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, excessive shells, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for sweet milk chocolate, which the said article purported to be.

Misbranding was alleged for the reason that the statements "Milk Chocolate * * * True to Quality," borne on the pails and boxes containing the article, and the statements "25 Lbs. Net" and "5 Lbs. Net Weight," borne on the pails and a portion of the boxes containing the said article, were false and misleading, in that the said statements represented that the article was a product composed wholly of milk chocolate and that each of the said pails contained 25 pounds of the article, and that the said portion of the boxes contained 5 pounds net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product composed wholly of milk chocolate and that each of the said pails contained 25 pounds thereof and that the said portion of the boxes contained 5 pounds net thereof, whereas, in truth and in fact, the article was not composed wholly of milk chocolate but was a product composed in part of excessive shells, and the said pails and portion of the said boxes contained less than 25 pounds and 5 pounds, respectively, of the said article. Misbrand-

ing was alleged with respect to the product contained in the pails and in the said portion of the boxes for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 19, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$80.

W. M. JARDINE, *Secretary of Agriculture*.

12802. Adulteration of butter. U. S. v. 35 Boxes of Butter. Product released under bond to be reworked. (F. & D. No. 18915. I. S. No. 11628-v. S. No. W-1541.)

On or about July 30, 1924, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 boxes of butter, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Northern Creamery Co., Great Falls, Mont., alleging that the article had been shipped from Great Falls, Mont., on or about July 8, 1924, and transported from the State of Montana into the State of California; and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted wholly or in part for butter, and for the further reason that a valuable constituent, namely, milk fat, had been partially abstracted therefrom.

On September 4, 1924, the Stanley Brokerage Co., Los Angeles, Calif., having appeared as claimant for the property, and the product having theretofore been released under bond to the said claimant and reworked and returned so that it met the requirements of the act, a final decree was entered, dismissing the libel and ordering that the Government recover its costs.

W. M. JARDINE, *Secretary of Agriculture*.

12803. Misbranding of butter. U. S. v. Sugar Creek Creamery Co., a Corporation. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 18571. I. S. No. 2238-v.)

On June 24, 1924, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sugar Creek Creamery Co., a corporation, Danville, Ill., alleging shipment by said company, in violation of the food and drugs act as amended, on or about June 19, 1923, from the State of Illinois into the State of Pennsylvania, of a quantity of butter which was misbranded. The article was labeled in part: "Cloverdale Pure Creamery One Pound Net."

Examination by the Bureau of Chemistry of this department of a sample consisting of 105 packages of the article showed that the average net weight of the packages examined was 15.67 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the article, was false and misleading, in that the said statement represented that each of the packages contained 1 pound of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained 1 pound net of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 12, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

W. M. JARDINE, *Secretary of Agriculture*.

12804. Adulteration of canned salmon. U. S. v. 817 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18857. I. S. No. 20694-v. S. No. W-1532.)

On July 24, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 817 cases of canned salmon, remaining in the origi-

nal unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Shepard [Point] Packing Co., from Shepard Point, Alaska, June 30, 1924, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On July 29, 1924, the Shepard Point Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion under the supervision of this department, and the bad portion destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

12805. Adulteration of butter. U. S. v. 3 Cubes, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18905. I. S. No. 20396-v. S. No. W-1535.)

On July 29, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Independence Creamery, Independence, Ore., May 29, 1924, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, milk fat, had been wholly or in part abstracted therefrom.

On September 19, 1924, the Independence Creamery Co., Independence, Ore., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12806. Adulteration and misbranding of butter. U. S. v. 55 Cases, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18822, 18848, 18849. I. S. Nos. 2452-v, 2455-v, 2456-v, 2457-v. S. Nos. E-4921, E-4922, E-4923.)

On June 23 and 27 and July 1, 1924, respectively, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 430 cases of butter, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the Minnesota Creamery & Produce Co., St. Paul, Minn., June 11, 1924, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. Three hundred and thirty-nine cases of the article were labeled in part: (Retail package) "Net Weight, One Pound * * * Extra Fancy Valleybrook Creamery Butter." Thirty-six cases were labeled in part: (Wholesale package) "Sterling Butter, 30 One-Pound Cartons." Fifty-five cases were labeled in part: (Wholesale package) "30 Cartons of Butter Quarters."

Adulteration of the article was alleged in substance in the libels for the reason that a product containing excessive moisture had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article. Misbranding was alleged for the further reason that the statement "Butter," appearing on the labels of a portion of the article, and the statement "Net

Weight One Pound * * * Extra Fancy * * * Creamery Butter," appearing on the labels of the remainder, were false and misleading and deceived and misled the purchaser. Misbranding was alleged with respect to the "Valleybrook" butter for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not correct.

On July 3, 1924, the cases having been consolidated into one cause of action, and the Minnesota Creamery & Produce Co., St. Paul, Minn., claimant, having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$6,000, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12807. Adulteration and misbranding of butter. U. S. v. 9 Tubs and 9 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. Nos. 18877, 18895. I. S. Nos. 19007-v, 19011-v. S. Nos. C-4443, C-4446.)

On July 22 and 25, 1924, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 18 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Nelson Creamery, from Nelson, Wis., in part July 15, and in part July 19, 1924, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding with respect to a portion of the article and adulteration with respect to the remainder thereof, in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

Misbranding was alleged with respect to a portion of the article for the reason that it was food in package form and each of the packages did not have the quantity of the contents marked on the outside thereof.

On October 14, 1924, the Nelson Creamery Co., Nelson, Wis., claimant, having admitted the allegations of the libels and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so as to raise the butterfat to not less than 80 per cent, and the tubs marked with the quantity of the contents.

W. M. JARDINE, *Secretary of Agriculture.*

12808. Adulteration and misbranding of Concord grape soda water flavor. U. S. v. 3½ Gallons, et al., of Concord Grape Soda Water Flavor. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18592, 18593, 18708. I. S. Nos. 6342-v, 6785-v, 6795-v. S. Nos. C-4334, C-4335, C-4404.)

On April 17 and May 26, 1924, respectively, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 26½ gallons of Concord grape soda water flavor, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped from Chicago, Ill., between the dates of July 20, 1923, and April 25, 1924, and transported from the State of Illinois into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Guaranteed By Sethness Company Chicago, U. S. A. Concord Grape Soda Water Flavor" and "Guaranteed And Packed By Sethness Company Chicago, Soluble Grape Soda Water Flavor."

Adulteration of the article was alleged in the libel for the reason that a substance artificially flavored and artificially colored had been mixed and packed

therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the designations "Concord Grape Soda Water Flavor" and "Soluble Grape Soda Water Flavor" were false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On September 30, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12809. Adulteration of butter. U. S. v. West Salem Co-Operative Creamery Assoc., a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 18354. I. S. No. 4318-v.)

On July 21, 1924, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the West Salem Co-Operative Creamery Assoc., a corporation, West Salem, Wis., alleging shipment by said company, in violation of the food and drugs act, on or about July 11, 1923, from the State of Wisconsin into the State of Illinois, of a quantity of butter which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the average milk fat content of 5 samples was 78.96 per cent.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, which the said article purported to be, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

On August 26, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

12810. Misbranding of stock feed. U. S. v. Akron Feed & Milling Co., a Corporation. Plea of nolo contendere. Fine, \$200. (F. & D. No. 17923. I. S. Nos. 2150-v, 2201-v.)

On January 18, 1924, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Akron Feed & Milling Co., a corporation, Akron, Ohio, alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about February 16 and March 16, 1923, respectively, from the State of Ohio into the State of Pennsylvania, of quantities of stock feed which was misbranded. The shipment of March 16 was labeled in part: (Tag) "100 Pounds Portage Stock Feed Made By The Akron Feed & Milling Co. Akron, Ohio, Analysis Crude Protein—8½—10% Crude Fat—4% Crude Fibre—10%." The shipment of February 16 was labeled in part: (Sack) "100 Lbs. Portage Stock Feed Analysis Crude Protein 8% * * * Made By The Akron Feed & M'g Co. Akron—Ohio."

Analysis by the Bureau of Chemistry of this department of a sample from the shipment of February 16 showed that the said sample contained 7.38 per cent of protein. Analysis by the said bureau of a sample from the shipment of March 16 showed that it contained 7.88 per cent of protein, 3.34 per cent of crude fat, and 11.09 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Analysis Crude Protein—8½—10% Crude Fat—4% Crude Fibre—10%," borne on the tags attached to the sacks of the shipment of March 16, and the statement, to wit, "Crude Protein—8%," borne on the sacks of the shipment of February 16, were false and misleading, in that the said statements represented that the former contained not less than 8½ per cent of crude protein, not less than 4 per cent of crude fat, and not more than 10 per cent of crude fiber, and that the latter contained not less than 8 per cent of crude protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the

former contained not less than 8½ per cent of crude protein, not less than 4 per cent of crude fat, and not more than 10 per cent of crude fiber, and that the latter contained not less than 8 per cent of crude protein, whereas, in truth and in fact, the former portion of the article contained less crude protein, less crude fat, and more crude fiber than declared, and the latter portion contained less than 8 per cent of crude protein.

On September 8, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

12811. Adulteration and misbranding of cheese. U. S. v. 15 Boxes of Cheese. Product ordered destroyed. (F. & D. No. 18719. I. S. No. 17782-v. S. No. C-4408.)

On June 2, 1924, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 boxes of cheese, consigned from Chicago, Ill., remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the Chicago Cheese & Farm Products Co., May 27, 1924, in interstate commerce, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Daisy Brand Dutch Cheese Chicago Cheese and Farm Products Co. This product is made of natural soured curd free from animal fat flavored with nut substances. Complies with all pure food laws."

Adulteration of the article was alleged in the libel for the reason that cocoanut oil had been mixed and packed therewith so as to injuriously affect its quality, and for the further reason that cheese made from foreign substances had been substituted wholly or in part for cheese made from animal fat.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, cheese, which is a product made from animal fat. Misbranding was alleged for the further reason that the article was labeled "cheese," which is required by law to be made from animal fat substances, so as to deceive and mislead the purchaser, and for the further reason that the statement "cheese" was false and misleading in that the said product contained foreign fat.

On July 3, 1924, the product having been theretofore ordered by the court to be sold and no market appearing to exist for its sale, judgment of the court was entered, ordering that it be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12812. Misbranding of butter. U. S. v. William F. Erving. Plea of guilty. Fine, \$100. (F. & D. No. 17615. I. S. Nos. 11255-v, 11256-v, 11804-v, 11805-v.)

On November 20, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William F. Erving, San Francisco, Calif., alleging shipment by said defendant, in violation of the food and drugs act, in part on or about March 20, 1923, and in part on or about March 27, 1923, from the State of California into the Territory of Hawaii, of quantities of butter which was misbranded. A portion of the article was labeled in part: "Ilima Brand Choicest 1 Pound." The remainder of the article was labeled in part: "Lehua Brand Extra Creamery Butter Net Weight One Pound."

Examination by the Bureau of Chemistry of this department showed that the average net weight of 110, 60, 120, and 120 packages from the 4 consignments was 15.61, 15.83, 15.70, and 15.79 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "1 Pound" or "Net Weight One Pound," borne on the packages containing the article, were false and misleading in that the said statements represented that the packages contained 1 pound of butter, or contained 1 pound net weight of butter, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained 1 pound of butter, or contained 1 pound net weight of butter, as the case might be, whereas, in truth and in fact, the said packages did not contain 1 pound, or 1 pound net weight, of butter but did contain a less amount. Misbranding

was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 24, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture.*

12813. Adulteration of canned salmon. U. S. v. 1,936 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18922. I. S. No. 7761-v. S. No. W-1557.)

On or about August 21, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,936 cases of canned salmon, consigned by the A. & P. Products Corp., remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped from Cape Edwards, Alaska, July 20, 1924, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Iona Brand Pink Salmon Packed * * * By The A. & P. Products Corporation."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

During the month of September, 1924, the A. & P. Products Corp., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion under the supervision of this department, and the bad portion destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

12814. Adulteration of canned salmon. U. S. v. 640 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19023. I. S. No. 20184-v. S. No. W-1591.)

On September 27, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 640 cases of salmon, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Bristol Bay Packing Co., from Bristol Bay, Alaska, alleging that the article had been shipped from Bristol Bay, Alaska, arriving in San Francisco, on or about August 26, 1924, and transported from the Territory of Alaska into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Battle Ax Brand Red Salmon Bristol Bay Pkg. Co. Bristol Bay, Alaska, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On October 23, 1924, the Bristol Bay Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$7,000, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12815. Misbranding of boned chicken. U. S. v. 387 Cases and 113 Cases of Boned Chicken. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18899. I. S. Nos. 20412-v, 20413-v. S. No. W-1545.)

On August 7, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 387 cases, each containing 2 dozen 6-ounce cans, and 113 cases, each containing 2 dozen 13-ounce cans, of boned chicken, remaining in the

original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Richardson & Robbins Co., from Dover, Del., on or about June 28, 1924, and transported from the State of Delaware into the State of California, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Richardson & Robbins Boned Chicken Packed At Dover, Kent County, Del. U. S. A. Contents 6 Oz. Avoir." (or "13 Oz. Avoir.").

Misbranding of the article was alleged in the libel for the reason that the statements "Contents 6 Oz. Avoir." and "Contents 13 Oz. Avoir.," borne on the labels of the respective sized cans, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 9, 1924, the Johnson-Locke Mercantile Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,700, in conformity with section 10 of the act, conditioned in part that the statements of the net weight be obliterated from the cans and that they be relabeled 5½ ounces and 12½ ounces, respectively.

W. M. JARDINE, *Secretary of Agriculture.*

12816. Adulteration and misbranding of apple jelly. U. S. v. Sweet Valley Products Co., a Corporation. Tried to the court and jury. Verdict of guilty. Fine, \$200. (F. & D. No. 18466. I. S. No. 3464-v.)

On June 19, 1924, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sweet Valley Products Co., a corporation, trading at Pinehurst, N. C., alleging shipment by said company, in violation of the food and drugs act as amended, on or about May 3, 1923, from the State of North Carolina into the State of Georgia, of a quantity of apple jelly which was adulterated and misbranded. The article was labeled in part: (Jar) "Sweet Valley Pure Apple Jelly Net Weight 7 Oz. The Sweet Valley Products Co. Sandusky, O. Pinehurst, N. C."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was a jelly containing little or no apple and depending upon agar agar for jellifying power. The average net weight of 10 jars examined was 6.89 ounces.

It was alleged in the first count of the information that the article was adulterated, in that a substance, to wit, agar agar, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in large part for apple jelly, which the said article purported to be.

Misbranding was alleged in the second count for the reason that the statements, to wit, "Pure Apple Jelly" and "Net Weight 7 Oz.," borne on the labels attached to the jars containing the article, were false and misleading, in that the said statements represented that the article consisted wholly of pure apple jelly and that each of the said jars contained 7 ounces of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of pure apple jelly and that each of said jars contained 7 ounces net weight of the said article, whereas it did not consist wholly of pure apple jelly but did consist in part of agar agar, and each of said jars did not contain 7 ounces of the article, but did contain a less amount. Misbranding was alleged in the said second count for the further reason that the article was offered for sale and sold under the distinctive name of another article, to wit, pure apple jelly.

Misbranding was alleged in the third count for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 27, 1924, the case came on for trial before the court and a jury. After the submission of evidence and arguments of counsel, the jury returned a verdict of guilty on the first and third counts of the information and a verdict of not guilty under direction of the court on the second count. The court thereupon imposed a fine upon the defendant company of \$100 on each of counts 1 and 3, a total of \$200, and costs.

* W. M. JARDINE, *Secretary of Agriculture.*

12817. Adulteration of butter. U. S. v. 3 Crates of Butter. Decree of condemnation entered. Product released under bond. (F. & D. No. 19058. I. S. No. 16863-v. S. No. E-4964.)

On or about September 30, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 3 crates of butter, consigned September 24, 1924, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Deerfield Valley Creamery, Wilmington, Vt., and transported from the State of Vermont into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been wholly or in part abstracted.

On October 22, 1924, the Deerfield Valley Creamery Assoc., Wilmington, Vt., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

12818. Adulteration and misbranding of vanillin. U. S. v. 65 Packages of Vanillin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18909. I. S. No. 16928-v. S. No. E-4918.)

On August 15, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 65 1-ounce packages of vanillin, remaining in the original unbroken packages at Springfield, Mass., alleging that the article had been shipped by Hymes Bros. Co. from New York, N. Y., on or about June 20, 1924, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Package) "1 Oz. Vanillin Chemically Pure Hymes Bros. Co. * * * New York."

Adulteration of the article was alleged in the libel for the reason that a substance, acetanilid, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or other added deleterious ingredient, acetanilid, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the statement "Vanillin Chemically Pure," appearing on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On October 28, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12819. Adulteration of walnuts in shell. U. S. v. 40 Bags of Walnuts in Shell. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19051. I. S. No. 13291-v. S. No. E-4977.)

On October 15, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 bags of walnuts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by G. Lagrange, from France, on or about November 21, 1923, and had been imported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, putrid, and decomposed vegetable substance.

On October 30, 1924, W. A. Camp & Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$400, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

12820. Adulteration and misbranding of tablet triturates nitroglycerin. U. S. v. 89 Bottles of Tablet Triturates Nitroglycerin. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19021. I. S. No. 13699-v. S. No. E-4950.)

On September 30, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 89 bottles of tablet triturates nitroglycerin, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Hance Bros. & White, Inc., from Philadelphia, Pa., on or about February 17, 1923, and transported from the State of Pennsylvania into the State of New York and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "100 Tablet Triturates Nitroglycerin 1/100 gr. Distributed and Guaranteed by Morgenstern & Co. 31 Park Place New York City Factory Edgewater, N. J."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the tablets contained not more than 0.0007 grain of nitroglycerin each, which is 93 per cent less than the amount declared.

Adulteration of the article was alleged in the libel for the reason that its strength fell below the professed standard under which it was sold.

Misbranding was alleged for the reason that the statement "Tablet Triturates Nitroglycerin 1/100 gr." was false and misleading.

On October 31, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12821. Adulteration and misbranding of lutein tablets. U. S. v. Morgenstern & Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 18365. I. S. Nos. 507-v, 1785-v, 2785-v.)

On October 27, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Morgenstern & Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about April 27, April 30, and June 1, 1923, respectively, from the State of New York into the States of New Jersey, Massachusetts, and Pennsylvania, respectively, of quantities of lutein tablets which were adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of potato starch, licorice root, and celery seed, with very little, if any, *corpus luteum* or other animal tissue.

Adulteration of the article was alleged in the information for the reason that its strength and purity fell below the professed standard or quality under which it was sold, in that each tablet was sold as containing 5 grains of lutein and as representing approximately 20 grains of fully-developed *corpora lutea*, whereas, in truth and in fact, each tablet contained little or no lutein or *corpora lutea*.

Misbranding was alleged for the reason that the statements "5 Gr. Lutein (Corpus Luteum) Tablets * * * Each tablet represents approximately twenty grains of fully developed *corpora lutea*," borne on the labels attached to the bottles containing the article, were false and misleading, in that the said statements represented that the tablets each contained 5 grains of lutein (*corpus luteum*) and that each of the said tablets represented approximately 20 grains of fully-developed *corpora lutea*, whereas each of said tablets did not contain 5 grains of lutein (*corpus luteum*) and each of said tablets did not represent approximately 20 grains of fully-developed *corpora lutea*, in that

the said tablets contained little, if any, lutein or *corpora lutea*. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale and sold under the name of another article, to wit, 5-grain lutein (*corpus luteum*) tablets.

On October 27, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture*.

12822. Misbranding of feed tankage. U. S. v. 360 Sacks of Feed Tankage. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19053. I. S. No. 22008-v. S. No. C-4465.)

On August 20, 1924, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 360 sacks of feed tankage at Goodland, Kans., alleging that the article had been shipped by the Ruedy Products Co., Denver, Colo., on or about August 9, 1924, and transported from the State of Colorado into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended.

Misbranding of the article was alleged in the libel for the reason that the packages containing the article were labeled as containing 100 pounds net weight, whereas, in truth and in fact, the said packages contained a materially less amount than 100 pounds net weight.

On September 5, 1924, the Ruedy Products Co., Denver, Colo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be rebranded to show the true contents of the said sacks.

W. M. JARDINE, *Secretary of Agriculture*.

12823. Misbranding of butter. U. S. v. 10 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18935. I. S. No. 20409-v. S. No. W-1548.)

On or about August 13, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of butter, at San Francisco, Calif., alleging that the article had been shipped by the Makins Produce Co., from San Francisco, Calif., July 29, 1924, and transported from the State of California into the Territory of Hawaii (returned to San Francisco), and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Net Weight One Pound Blanchard Brand Pasteurized Butter Packed and Guaranteed by Makins Produce Co. San Francisco."

Misbranding of the article was alleged in the libel for the reason that the statement "Net Weight One Pound" was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 18, 1924, the Makins Produce Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture*.

12824. Adulteration and misbranding of flour. U. S. v. 1,000 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17277. I. S. No. 8472-v. S. No. W-1315.)

On February 13, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure

and condemnation of 1,000 sacks of flour, remaining in the original unbroken packages at Sacramento, Calif., alleging that the article had been shipped by the H. D. Lee Flour Mills Co. from Salina, Kans., December 13, 1922, and transported from the State of Kansas into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "The H. D. Lee Flour Mills Company The Admiral Salina, Kansas Bleached 98 Lbs When Packed."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "98 Lbs," appearing on the sacks containing the article, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 23, 1923, the Perfection Bread Co., Sacramento, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that the product be brought into compliance with the act under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12825. Misbranding of butter. U. S. v. 2 Cases of Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18971. I. S. No. 20408-v. S. No. W-1549.)

On or about August 13, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 cases of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Western Meat Co., July 26, 1924, and transported from the State of California into the Territory of Hawaii (returned from Honolulu to San Francisco, Calif.), and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Parkdale Brand Creamery Butter Pasteurized 1 Pound Net Weight Distributed by Western Meat Co. San Francisco."

Misbranding of the article was alleged in the libel for the reason that the statement "1 Pound Net Weight," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 29, 1924, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12826. Adulteration of ground marjoram. U. S. v. 1 Drum of Ground Marjoram. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18810. I. S. No. 18438-v. S. No. C-4425.)

On June 26, 1924, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 drum of marjoram, at Cincinnati, Ohio, consigned by Arbuckle Bros., Chicago, Ill., June 11, 1924, alleging that the article had been shipped from Chicago, Ill., and transported from the State of Illinois into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive ash and sand had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and had been substituted wholly or in part for the said article.

On October 20, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12827. Adulteration of walnuts. U. S. v. 135 Bags of Walnuts in Shell. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19070. I. S. No. 13173-v. S. No. E-4982.)

On October 21, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 135 bags of walnuts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Adolphe Sounis from Brieve, France, and had been transported from a foreign country into the State of New York, arriving on or about November 21, 1923, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On November 1, 1924, W. A. Higgins & Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,350, in conformity with section 10 of the act, conditioned in part that the bad nuts be separated from the good nuts under the supervision of this department, and the bad portion destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

12828. Adulteration of canned blueberries. U. S. v. 556 Cases of Blueberries. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 19103. I. S. No. 19081-v. S. No. C-4510.)

On October 31, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 556 cases of blueberries, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by H. S. Kane, from Addison, Me., October 3, 1924, and transported from the State of Maine into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Pleasant River Brand Maine Blueberries Packed By H. S. Kane Brooklin And Addison, Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On November 7, 1924, C. L. Jones & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the bad portion be removed from the said product under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12829. Adulteration of shell eggs. U. S. v. Charles F. Secrist. Tried to the court and a jury. Verdict of guilty. Fine, \$150. (F. & D. No. 17931. I. S. No. 5344-v.)

On December 29, 1923, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles F. Secrist, Woodward, Okla., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 13, 1923, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated. The article was labeled in part: (Case) "C. F. Secrist Produce Woodward, Oklahoma."

Examination of 360 eggs from the consignment by the Bureau of Chemistry of this department showed that 102 eggs, or 28 per cent of those examined, were inedible, consisting of black rots, mixed or white rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and putrid and decomposed animal substance.

On April 10, 1924, the case came on for final disposition before the court and a jury. After the submission of evidence and arguments of counsel, the

case was submitted to the jury, which returned a verdict of guilty. The defendant was thereupon fined \$150.

W. M. JARDINE, *Secretary of Agriculture.*

12830. Adulteration and misbranding of scallops. U. S. v. Eacho & Co., a Corporation. Plea of guilty. Fine, \$30. (F. & D. No. 19234. I. S. No. 15080-v.)

On November 11, 1924, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Eacho & Co., a corporation, trading at Washington, D. C., alleging that on March 13, 1924, the said company did offer for sale and sell in the District of Columbia, in violation of the food and drugs act, a quantity of scallops which were adulterated and misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for scallops, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale and sold under the distinctive name of another article, to wit, scallops.

On November 11, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$30.

W. M. JARDINE, *Secretary of Agriculture.*

12831. Adulteration and misbranding of butter. U. S. v. 20 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18286. I. S. No. 980-v. S. No. E-4728.)

On February 4, 1924, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 cases of butter, at Savannah, Ga., alleging that the article had been shipped by the Community Creamery Co., from Chester S. C., on or about January 25, 1924, and transported from the State of South Carolina into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Community Creamery Co. * * * Extra Fancy Creamery Butter * * * One Pound Net."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a product deficient in milk fat, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for butter, which the article purported to be. Adulteration was alleged for the further reason that a valuable constituent, to wit, butterfat, had been in whole or in part abstracted from the said article.

Misbranding was alleged for the reason that the statement in the labeling "One Pound Net" was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 7, 1924, the Community Creamery Co., Chester, S. C., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be reworked and relabeled upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

12832. Misbranding of butter. U. S. v. Swift & Co., a Corporation. Pleas of guilty. Fines, \$600 and costs. (F. & D. Nos. 17918, 18368. I. S. Nos. 11356-v, 11357-v, 11515-v, 11516-v.)

On June 20, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against Swift & Co., a corporation, trading at Denver, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about February 23, 1923, from the State of Colorado into the State of Texas, and on or about

September 8 and 11, 1923, respectively, from the State of Colorado into the State of Wyoming, of quantities of butter which was misbranded. The article was labeled in part: "Brookfield Creamery Butter 1 Lb. Net Weight * * * Swift & Company, U. S. A. Distributor."

Examination by the Bureau of Chemistry of this department showed that the average net weight of 96, 95, 90, and 96 cartons from the 4 lots was 15.51, 15.58, 15.64, and 15.62 ounces, respectively.

Misbranding of the article was alleged in the informations for the reason that the statement, to wit "1 Lb. Net Weight," borne on the package containing the said article, was false and misleading, in that the said statement represented that each of the said packages contained 1 pound of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net weight of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 15, 1924, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate sum of \$600, together with the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

12833. Misbranding of butter. U. S. v. Elkhorn Creamery Co., a Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 18099. I. S. Nos. 11510-v, 11874-v.)

On or about July 23, 1924, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Elkhorn Creamery Co., a corporation, Pocatello, Idaho, alleging shipment by said company, in violation of the food and drugs act as amended, on or about September 6, 1923, from the State of Idaho into the State of Wyoming, and on or about September 12, 1923, from the State of Idaho into the State of Utah, of quantities of butter which was misbranded. The article was labeled in part: "Royal Butter * * * Mfd. By Elkhorn Creamery Company. * * * 16 Ounces Net Weight."

Examination of samples of the article from each consignment by the Bureau of Chemistry of this department showed that the average net weight of 90 cartons from one shipment and 30 cartons from the other was 15.64 ounces and 15.65 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "16 Ounces Net Weight," borne on the packages containing the article, was false and misleading, in that the said statement represented that each of the said packages contained 16 ounces net weight of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 16 ounces net weight of the article, whereas, in truth and in fact, each of said packages did not contain 16 ounces net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 13, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

12834. Adulteration and misbranding of raspberry preserves. U. S. v. 60 Cases of Raspberry Preserves. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18721. I. S. No. 17909-v. S. No. C-4405.)

On June 3, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 60 cases of raspberry preserves, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Best-Clymer Co., from St. Louis, Mo., April 2, 1924, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Jar) "Marigold Brand Corn Syrup Fruit Pectin Com-

pound And Raspberry Preserves With Added Artificial Color And Phosphoric Acid Contents 15 Ozs. The Best-Clymer Co. St. Louis, Mo."

Adulteration of the article was alleged in the libel for the reason that an artificially colored imitation product had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements in the labeling, "Raspberry Preserves" and "Contents 15 Ozs.," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and for the further reason that it was an imitation of and offered for sale under the distinctive name of "Raspberry Preserves."

On November 3, 1924, the Best-Clymer Co., St. Louis, Mo., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled, "Marigold Brand Imitation Raspberry Preserves Composed of Corn Syrup, Pectin and Fruit With added Artificial Color and Phosphoric Acid Contents 14 Ozs."

W. M. JARDINE, *Secretary of Agriculture.*

12835. Adulteration of canned salmon. U. S. v. 30 Cases, et al., of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17894, 17989, 17988, 17990, 17991, 18008. I. S. Nos. 12510-v, 15021-v, 15022-v, 15023-v. S. Nos. E-4562, E-4571, E-4573.)

On November 6 and 15, 1923, respectively, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 443 cases of canned salmon, remaining in the original unbroken packages in part at West Point, Va., and in part at Richmond, Va., alleging that the article had been shipped by McGovern & McGovern, from Seattle, Wash., in part August 29, 1923, and in part October 8, 1923, and transported from the State of Washington into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Rose Brand Chum Salmon Distributed By Carlisle Packing Co. Seattle; Wash."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable [animal] substance.

On October 6, 1924, the Carlisle Packing Co., Seattle, Wash., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be salvaged by actual recanning, and the bad portion destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

12836. Misbranding of DeWitt's eclectic cure. U. S. v. 1 Dozen Bottles and 4 Dozen Bottles of DeWitt's Eclectic Cure. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16425. S. No. E-3956.)

On or about June 21, 1922, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 dozen bottles, large size, and 4 dozen bottles, small size, of DeWitt's eclectic cure, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the W. J. Parker Co., from Baltimore, Md., June 1, 1922, and transported from the State of Maryland into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle label, both sizes) "Dr. DeWitt's Eclectic Cure * * * for Cramps, Colic and Diarrhoea * * * Indigestion * * * Horse Colic"; (carton) "Cure * * * for Indigestion, Diarrhoea,

Cramps, Cramp Colic, Neuralgia, Headache, Toothache, Sore Throat, etc.
 * * * Cholera * * * Cholera Morbus * * * Rheumatism and
 pains generally * * * Sprains or Frosted Feet"; (circular, in retail pack-
 age, large size, and bunched in shipping package, small size) "Cure * * *
 for Indigestion, Diarrhoea, Cramps, Cramp Colic, Neuralgia, Headache,
 Toothache, Sore Throat, etc. * * * Spasmodic attacks * * * Swel-
 ling of the Stomach * * * Sprains, * * * Horse Colic * * *
 Chicken Cholera * * * "

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of volatile oils, including peppermint and sassafras oils, spices, including capsicum and ginger, ether, alcohol (67 per cent), and water.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements borne in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the article contained no ingredients or combination of ingredients capable of producing the effects claimed.

On January 19, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12837. Adulteration of crab meat. U. S. v. 575 Tins of Crab Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16907. I. S. Nos. 3126-v, 3094-v. S. No. E-4211.)

On November 11, 1922, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 575 tins of crab meat, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped from Camp Jackson, S. C., on or about September 1, 1922, and transported from the State of South Carolina into the State of Georgia, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a putrid and decomposed animal substance.

On January 19, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12838. Adulteration and misbranding of canned oysters. U. S. v. 2,971 Cases of Canned Oysters. Decree of condemnation. Product released under bond. (F. & D. No. 16612. I. S. Nos. 9509-t, 9510-t, 9511-t, 9512-t, 9513-t, 9514-t. S. No. E-4043.)

On July 12, 1922, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2,971 cases of canned oysters, at Savannah, Ga., alleging that the article had been shipped by the Hilton Head Packing Co., from Hilton Head, S. C., between the dates of March 28 and May 6, 1922, and transported from the State of South Carolina into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Can) "Hilton Head Brand Oysters Contains 5 Oz. Oyster Meat * * * Packed By Hilton Head Packing Co., Office: Savannah, Ga." The cans containing the remainder of the said article had stamped thereon: "5 Oz. Oysters."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Oysters * * * Contains 5 Oz. Oyster Meat," appearing on the label of a portion of the article and the statement "5 Oz. Oysters," embossed on the cans containing the remainder, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 11, 1922, the Hilton Head Packing Co., Hilton Head, S. C., having appeared as claimant for the property, judgment of condemnation was

entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond in conformity with section 10 of the act, conditioned in part that the cans be relabeled to show the minimum weight of the oyster content thereof and bear a statement that a package of the size should contain 5 ounces of oyster meat.

W. M. JARDINE, *Secretary of Agriculture.*

12839. Misbranding of turpentine man's or Tydings' remedy. U. S. v. 12 Dozen Bottles of Turpentine Man's. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10579. I. S. No. 16381-r. S. No. E-1540.)

On June 14, 1919, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on August 6, 1920, an amended libel, praying the seizure and condemnation of 12 dozen bottles of turpentine man's, remaining unsold in the original packages at Savannah, Ga., alleging that the article had been shipped by Tydings & Co., Ocala, Fla., on or about May 21, 1919, and transported from the State of Florida into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of 6 per cent of potassium iodide, 0.3 per cent of salicylic acid, 5 per cent of alcohol, 3 per cent of sugar, 64 per cent of glucose, an ammonium salt, extracts of vegetable drugs, and water.

Misbranding of the article was alleged in the libel for the reason that the label on the package containing the said article failed to bear a statement of the quantity or proportion of alcohol contained therein. Misbranding was alleged for the further reason that the following statements, appearing upon the carton and bottle and in the accompanying circular regarding the curative and therapeutic effects of the said article, to wit, (carton) "For Blood Diseases Tydings' Remedy Or Turpentine Man's," (bottle) "Turpentine Man's Or Tydings Remedy for Blood Diseases Of All Kinds And Rheumatism," (circular) "'Turpentine Man's," or Tydings' Remedy For Blood Diseases * * * What It is For * * * in restoring and invigorating the whole system; in renovating and enriching the blood; in giving an appetite and a tone to the stomach, in relieving Pock, Scrofula, Scrofulous Humors, Scaldhead, Syphilitic affections, Ringworms, Salt Rheum, Boils, Pimples and Humors on the face, Catarrh, Headache, Dizziness, Faintness, Sick Stomach, Constipation, Pains in the Back, and many Female Diseases, General Debility and Rheumatism, and diseases arising from an impure state or low condition of the blood * * * "Turpentine Man's" or Tydings' Remedy is designed to act upon the blood, and through that, upon all the organs and tissues of the body. It also has a special action upon the secretions and excretions, and assists Nature to expel from the System all Humors, impure particles and effete matter through the Lungs, Kidneys, the liver and skin. It positively aids and strengthens weak and impaired and debilitated organs; Invigorates the nervous system; tones and strengthens the digestive organs, and imparts new life and vigor to all the organs of the body," were false, fraudulent, and misleading, in that the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On February 22, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12840. Adulteration and misbranding of butter. U. S. v. 20 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19057. I. S. No. 12867-v. S. No. E-4957.)

On September 25, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Cooperative Creamery Assoc., Big Rapids, Mich., on or about September 11, 1924, and transported from the State of Michigan into the State of

New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On October 28, 1924, the Farmers Cooperative Creamery Assoc., Big Rapids, Mich., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$420, or the deposit of collateral in like amount, in conformity with section 10 of the act, conditioned in part that the product be reworked and reprocessed under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12841. Misbranding of olive oil and salad oil. U. S. v. 4 Cases of Olive Oil and 1 Case of Salad Oil. Product found misbranded. Relabeled under bond to be relabeled. (F. & D. Nos. 18401, 18402. I. S. Nos. 20649-v, 20650-v. S. No. W-1477.)

On March 5, 1924, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 cases, each containing gallon cans, half-gallon cans, and quart cans, of olive oil, and 1 case containing 12 cans of salad oil, remaining in the original unbroken packages at Magna, Utah, alleging that the article had been shipped by B. G. Makris, from New York, N. Y., on or about October 5, 1923, and transported from the State of New York into the State of Utah, and charging misbranding in violation of the food and drugs act as amended. The olive oil was labeled in part: (Can) "Makris Brand Imported Lucca Olive Oil * * * Net Contents One Gallon" (or "Net Contents Half Gallon" or "Net Contents One Quart") "B. G. Makris * * * N. Y. U. S. A." The salad oil was labeled in part: (Can) "Il Papa Degli Olii Uncle Sam Oil Our Brand Winter-pressed Vegetable Salad Oil * * * Net Contents One Gallon Packed by B. G. Makris, New York."

Misbranding of the article was alleged in the libel for the reason that the statements "Net Contents One Gallon," "Net Contents Half Gallon," and "Net Contents One Quart," borne on the respective-sized cans containing the articles, were false and misleading, in that the net contents of the said cans were not 1 gallon, half gallon, or quart, as the case might be. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 5, 1924, B. G. Makris, New York, N. Y., having appeared as claimant for the property and having paid the costs of the proceedings and executed a bond in the sum of \$600, in conformity with section 10 of the act, judgment of the court was entered, finding the product to be misbranded and ordering that it be released to the said claimant to be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12842. Adulteration of canned salmon. U. S. v. 1,000 Cases of Canned Salmon. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18676. I. S. Nos. 20091-v, 20092-v. S. No. W-1509.)

On May 16, 1924, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,000 cases of canned salmon, at Spokane, Wash., consigned by the Canadian Bank of Commerce, Seattle, Wash., alleging that the article had been shipped from Alaska during the month of September, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article

was labeled in part: (Can) "Blanchard Brand Alaska Pink Salmon Packed By Beauclaire Packing Co. Port Beauclerc, Alaska. One Pound Net."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly, or in part of a filthy, decomposed, or putrid animal substance.

On August 19, 1924, the Beauclaire Packing Co., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department, the good portion released and the remainder disposed of in accordance with law.

W. M. JARDINE, *Secretary of Agriculture.*

12843. Misbranding of butter. U. S. v. 350 Packages of Willowdale Creamery Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18870. I. S. No. 18320-v. S. No. C-4441.)

On July 16, 1924, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 350 packages of Willowdale creamery butter, at Chattanooga, Tenn., alleging that the article had been shipped by the Dalton Creamery Co., Dalton, Ga., July 10, 1924, and transported from the State of Georgia into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Willowdale Creamery Butter, Dalton Creamery Company, Dalton, Georgia, One Pound Net Weight."

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled "One Pound Net," which statement was false and misleading, in that the said packages did not contain 1 pound of butter but did contain a less amount.

On July 23, 1924, the Dalton Creamery Co., Dalton, Ga., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the said packages be brought up to the correct weight.

W. M. JARDINE, *Secretary of Agriculture.*

12844 (Supplement to Notice of Judgment 11784). Misbranding of Crab Orchard concentrated mineral water. Idie C. Goodwin and L. H. Goodwin & Co. v. United States of America. Judgment of the lower court in favor of the Government affirmed. (F. & D. No. 15395. I. S. No. 903-t. S. No. C-3245.)

On November 3, 1924, the case involving the shipment of 22 bottles of Crab Orchard concentrated mineral water by L. H. Goodwin & Co., from Crab Orchard, Ky., to Cincinnati, Ohio, in which case verdict and judgment were entered for the Government in the District Court for the Southern District of Ohio on November 28, 1922, came before the Circuit Court of Appeals for the Sixth Circuit on appeal by the claimant, Idie C. Goodwin, for and on behalf of L. H. Goodwin & Co., and the judgment of the District Court was affirmed, as will appear from the attached opinion of the court (Donahue, C. J.):

"The food and drugs act of 1906 and the amendments of 1912 do not confer and do not purport to confer admiralty jurisdiction upon the United States District Courts, in proceedings to condemn property seized under the provisions of that act and amendments thereto. The provision that a libel shall be filed and the proceedings shall conform as near as may be to the proceedings in admiralty, relate only to procedure and not to jurisdiction. (443 Cans of Frozen Egg Product v. U. S., 226 U. S. 172, and cases there cited.)

"This prosecution was based solely on the amendment of 1912 to section 8. The libel quoted from the label a long list of ailments for which the water was said to be beneficial with 'healing powers' and a 'reliable remedy.' It then denied that the water 'is capable of producing the therapeutic effects claimed in the statements upon and in said cartons as hereinbefore set forth.'

"This does not fail to state a case under the statute, and did not make the libel subject to demurrer or motion to quash. It would be sustained by evidence sufficiently showing the false and fraudulent character of any one of the various claims recited. If defendant needed a better specification of the particulars upon which the Government would rely, if it did not rely upon all the statements, a motion for a bill of particulars would doubtless have been granted or an amendment of the libel permitted.

"The record in this case does not present the question whether mineral spring water as it comes from the earth is or is not a drug, for the reason that the Crab Orchard concentrated mineral water is not transported and marketed in its original condition. While it appears that the constituent drug elements are not completely extracted therefrom and transported and sold without the admixture of other elements, nevertheless the processes of separation are carried to such an extent that the water can no longer be used as a beverage, but only in small quantities or doses, as a medicine. For this reason Crab Orchard concentrated mineral water can not be classified as 'food' but, on the contrary, comes fairly within the meaning of 'drug' as used in the Pure Food Act and amendments thereto.

"Upon the trial of the issue of fact joined by the libel, charging the misbranding of mineral water, and the answer of the intervenor, expert evidence may be properly admitted. If it appears from the testimony of a witness upon preliminary examination that he is learned in the science of chemistry or has been regularly and legally admitted to the practice of medicine, that he has knowledge of the drug elements contained in the article transported in interstate commerce and their efficacy or lack of efficacy as curative agents, used either separately or in combination in the treatment of the diseases specified on the label, his opinion on that subject is competent evidence, regardless of whether he has had actual experience or observation of the effect of the use of such drugs in the exact form in which they are transported in interstate commerce. The weight of his evidence is a question for the jury.

"This court has no authority to determine the weight of the evidence or reverse the judgment for the reason that the verdict is against the weight of the evidence where the verdict of the jury is sustained by substantial evidence. (R. S. 1011 (Comp. Stat. Sec. 1672), *Bullock v. U. S.*, 289 Fed. 29-32; *Atlantic Ice & Coal Co. v. Van*, 276 Fed. 646.)

"The Government having charged misbranding in general terms and no motion being made to require it to file a bill of particulars, the general verdict must be sustained if there is substantial evidence that any one of the statements made on the label is false or fraudulent, but the verdict and judgment relates to and affects only the particular label on the bottles seized in interstate commerce. This general verdict is sustained by substantial evidence.

"For the reasons stated, the judgment of the District Court is affirmed."

W. M. JARDINE, *Secretary of Agriculture.*

12845. Adulteration and misbranding of butter. U. S. v. 7 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 18934. I. S. No. 12657-v. S. No. E-4928.)

On August 29, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 tubs of butter, remaining in the original unbroken packages at Baltimore, Md., consigned on or about August 11, 1924, alleging that the article had been shipped by Schlosser Bros., from Frankfort, Ind., and transported from the State of Indiana into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance low in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 17, 1924, Schlosser Bros., Frankfort, Ind., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the

sum of \$150, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department so that it should contain not less than 80 per cent of milk fat.

W. M. JARDINE, *Secretary of Agriculture.*

12846. Misbranding of linseed meal. U. S. v. Spencer Kellogg & Sons, a Corporation. Defendant found in default. Fine, \$50 and costs. (F. & D. No. 9719. I. S. Nos. 15403-p, 15404-p.)

On May 20, 1919, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Spencer Kellogg & Sons, a corporation, trading at Superior, Wis., alleging shipment by said company, in violation of the food and drugs act, in two consignments, on or about September 12 and 13, 1917, respectively, from the State of Wisconsin into the State of Michigan, of quantities of linseed meal which was misbranded.

Analysis of a sample of the article taken from each consignment by the Bureau of Chemistry of this department showed that the said samples contained 26.86 and 27.39 per cent, respectively, of protein.

Misbranding of the article was alleged in the information for the reason that the statement "Protein 30.00%," borne on the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading, in that the said statement represented that the article contained not less than 30 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 30 per cent of protein, whereas, in truth and in fact, it did contain less than 30 per cent of protein.

On November 10, 1924, the case having come on for final disposition, the court directed the defendant in default and assessed a fine of \$50 and costs against the said defendant.

W. M. JARDINE, *Secretary of Agriculture.*

12847. Adulteration and misbranding of linseed meal. U. S. v. Spencer Kellogg & Sons, a Corporation. Defendant found in default. Fine, \$100 and costs. (F. & D. Nos. 8311, 8324. I. S. Nos. 6252-m, 6253-m, 6262-m, 6263-m, 16351-m, 16352-m, 16354-m, 16355-m, 16356-m, 16357-m, 16359-m.)

On October 8, 1919, the United States attorney for the Western District of Wisconsin, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Spencer Kellogg & Sons, a corporation, trading at Superior, Wis., alleging shipment by said company, in violation of the food and drugs act, between the dates of October 2 and October 19, 1916, from the State of Wisconsin, in part into the State of Maryland and in part into the State of Illinois, of quantities of linseed meal which was adulterated and misbranded. The article was labeled in part: "Old Process Linseed Meal * * * Ingredients Flax Seed Products."

Examination of the article by the Bureau of Chemistry of this department showed that it contained from 25 to 30 per cent of screenings.

Adulteration of the article was alleged in the information for the reason that weed seeds or screenings had been mixed and packed therewith so as to lower or reduce and injuriously affect its quality and strength and had been substituted in part for linseed meal and flaxseed products, which the said article purported to be.

Misbranding was alleged in substance for the reason that the statements in the labeling, namely, "Linseed Meal * * * Ingredients Flax Seed Products," with respect to a portion of the product, and "Old Process Linseed Meal * * * Ingredients Flax Seed Products," with respect to the remainder thereof, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was linseed meal composed of flaxseed products, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was linseed meal composed of flaxseed products, whereas, in truth and in fact, it was not linseed meal composed of flaxseed products but was a product composed in part of weed seeds or screenings.

On November 10, 1924, the case having come on for final disposition, the court directed the defendant company in default, and assessed a fine of \$100 and costs against the said company.

W. M. JARDINE, *Secretary of Agriculture.*

12848. Adulteration of canned salmon. U. S. v. 25 Cases, et al., of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17897, 17898, 17899, 17900, 17901, 17902. I. S. No. 12510-v. S. No. E-4560.)

On November 5, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 310 cases, each containing 4 dozen cans, of salmon, remaining in the original unbroken packages, in various lots at Baltimore, Frederick, Westminster, and Brunswick, Md., respectively, alleging that the article had been shipped by McGovern & McGovern, from Seattle, Wash., on or about August 29, 1923, and transported from the State of Washington into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Rose Brand * * * Contents One Pound Chum Distributed By Carlisle Packing Co. Seattle, Wash., U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On September 23, 1924, the Carlisle Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,700, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

12849. Adulteration and misbranding of olive oil. U. S. v. Harry Arony and George Papitsas (Arony & Papitsas). Plea of guilty. Fine, \$250. (F. & D. No. 16239. I. S. No. 6978-t.)

On July 22, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry Arony and George Papitsas, copartners, trading as Arony & Papitsas, New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about April 29, 1921, from the State of New York into the State of Pennsylvania, of a quantity of olive oil which was adulterated and misbranded. The article was labeled in part: (Can) "One Gallon General Diaz Brand Pure Olive Oil * * * Lucca Italy Packed By Arony & Papitsas * * * For Table and Medicinal Use."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted chiefly of cottonseed oil. Examination by said bureau showed that the average volume of 10 cans was 0.949 gallon.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been substituted in whole or in part for olive oil, which the said article purported to be.

Adulteration of the article was alleged for the further reason that the article was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopœia, official at the time of investigation, in that it consisted in large part of oil made from cottonseed, whereas the said pharmacopœia provided that olive oil should consist wholly of the oil made from the ripe fruit of *Olea Europœa*, and the standard of strength, quality, and purity of the article was not stated on the container thereof.

Misbranding was alleged for the reason that the statements, to wit, "Pure Olive Oil," "Lucca Italy," and "1 Gallon," borne on the cans containing the article, were false and misleading, in that the said statements represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, Italy, and that each of the said cans contained 1 gallon of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, Italy, and that each of said cans contained 1 gallon of the article, whereas, in truth and in fact, it was not pure olive oil but was a mixture composed in large part of cottonseed oil, it was not a foreign product but was a domestic product, to wit, an article produced in the United States of America, and each of said cans did not contain 1 gallon of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was an imitation

of and was offered for sale and sold under the distinctive name of another article, to wit, olive oil, and for the further reason that it purported to be a foreign product when not so. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 3, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$250.

W. M. JARDINE, *Secretary of Agriculture.*

12850. Adulteration and misbranding of salad oil. U. S. v. Harry Arony and George Papitsas (Arony & Papitsas). Pleas of guilty. Fine, \$250. (F. & D. No. 16949. I. S. No. 7107-t.)

On February 17, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harry Arony and George Papitsas, copartners, trading as Arony & Papitsas, alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about April 27, 1922, from the State of New York into the State of New Jersey, of a quantity of salad oil which was adulterated and misbranded. The article was labeled in part: (Can) "One Gallon General Cadorna Brand * * * Lucca Type Imported And Packed By Arony & Papitsas."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was cottonseed oil with little or no olive oil present. Examination by said bureau showed that the average volume of 5 cans was 0.964 gallon.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been substituted in whole or in part for olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "One Gallon," "Olio Sopraffino," "Guaranteed Superfine," "Lucca Type," and "Imported," not corrected by the inconspicuous statement "Cotton Seed Oil Flavored With Olive Oil," together with the designs and devices of olive branches bearing olives, the cities of Trento and Trieste, and the Italian shield bearing the portrait of General Luigi Cadorna, borne on the cans containing the article, regarding the said article and the ingredients, and substances contained therein, were false and misleading, in that they represented that the said article was olive oil, that it was a foreign product, to wit, an olive oil produced in Italy, and that each of the said cans contained 1 gallon of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, to wit, an olive oil produced in Italy, and that each of said cans contained 1 gallon of the said article, whereas, in truth and in fact, the said article was not olive oil but was a mixture composed in large part of cottonseed oil, it was not a foreign product, but was a domestic product, to wit, an article produced in the United States of America, and each of said cans did not contain 1 gallon of the article but did contain a less amount. Misbranding was alleged for the further reason that the statement "Lucca, Italy," together with the design and device of Italian flags, purported the article to be a foreign product when not so, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding was alleged for the further reason that the statement, to wit, "Cotton Seed Oil Flavored With Olive Oil," borne on the cans containing the article, was false and misleading, in that it represented that the said article was flavored with olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was flavored with olive oil, whereas, in truth and in fact, it was not flavored with olive oil, in that it contained no flavor of olive oil.

On November 3, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$250.

W. M. JARDINE, *Secretary of Agriculture.*

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¹ Contains opinion of the court.

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12851-12900

[Approved by the Secretary of Agriculture, Washington, D. C., March 27, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

12851. Adulteration of tomato catsup. U. S. v. 10 Cases and 15 Cases of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 18807, 18824. I. S. Nos. 18277-v, 18278-v, 18437-v. S. Nos. C-4032, C-4033.)

On June 26, and July 9, 1924, respectively, the United States attorney for the Southern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 25 cases of tomato catsup, at Cincinnati, Ohio, consigned by Lutz & Schramm, in part from Allegheny, Pa., May 17, 1924, and in part from Pittsburgh, Pa., June 20, 1924, alleging that the article had been transported from the State of Pennsylvania into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Bottle) "Guaranteed Pure 'Food Products of Quality' L & S Tomato Catsup * * * Lutz & Schramm Co Pittsburgh, Pa. U. S. A."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 20, 1924, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12852. Misbranding of cider vinegar. U. S. v. 42 Barrels of Cider Vinegar. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19037. I. S. Nos. 18640-v, 18641-v. S. No. C-4490.)

On September 29, 1924, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 42 barrels of vinegar, at Minneapolis, Minn., alleging that the article had been shipped by the National Vinegar Co., from St. Louis, Mo., on or about July 19, 1924, and transported from the State of Missouri into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "52 Cider Vinegar Reduced To 4% St. Louis, Mo."

Misbranding of the article was alleged in the libel for the reason that the designation "52" was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 6, 1924, the National Vinegar Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled to the satisfaction of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12853. Adulteration and misbranding of prepared mustard. U. S. v. 300 Cases of Prepared Mustard. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18834. I. S. No. 20216-v. S. No. W-1523.)

On July 14, 1924, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 cases of prepared mustard, at Portland, Oreg., alleging that the article had been shipped by the Morehouse Mustard Mills, from Oakland, Calif., on or about June 1, 1924, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Prepared Old English Style Morehouse Mustard, Mustard Seed, Vinegar, Spices, Salt, and Turmeric. Morehouse * * * Mills, Los Angeles, Oakland"; (case) "Old English Morehouse Best Prepared Mustard."

Adulteration of the article was alleged in the libel for the reason that added mustard bran had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, in that the designation above quoted, appearing on the cases and jars, was false and misleading and deceived and misled the purchaser when applied to a product containing added mustard bran.

On August 25, 1924, L. H. Morehouse and B. Morehouse, copartners, trading as the Morehouse Mustard Mills of the State of California, having appeared as claimants for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

12854. Adulteration of canned salmon. U. S. v. 1,000 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12999. I. S. No. 16139-r. S. No. E-2404.)

On September 12, 1922, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,000 cases of salmon, remaining in the original packages at Augusta, Ga., alleging that the article had been shipped by the Columbia Salmon Co., from Seattle, Wash., on or about November 9, 1918, and transported from the State of Washington into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Target Brand Alaska Pink Salmon * * * Packed In Alaska By Columbia Salmon Co. Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On February 19, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12855. Misbranding of D. O. D. U. S. v. 66 Packages of a Drug Product Labeled "D. O. D." Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17839. I. S. No. 4161-v. S. No. C-4125.)

On September 28, 1923, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on May

27, 1924, an amended libel, praying the seizure and condemnation of 66 packages of a drug product labeled "D. O. D.," remaining in the original unbroken packages at Milwaukee, Wis., alleging that on September 17, 1923, the C. Nelson Smith Co., of Milwaukee, Wis., delivered the said article for shipment in interstate commerce from the State of Wisconsin into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Label and carton) "Guaranteed when used according to directions to relieve any disease caused by poison or Bacteria or money refunded;" (label) "D O D * * * invaluable in treating a great many different kinds of diseases. It Kills All Poison in the human system;" (carton) "Kills All Poison In The Human System * * * Gangrene * * * Eczema * * * Rashes and other Skin Diseases; * * * Dyspepsia Dysentery Cholera Morbus Indigestion Colic Pyorrhea * * * Colds Sore Throat Bronchitis Catarrh Hay Fever Grippe Influenza, etc;" (circular) "A remedy has been discovered that will kill poison and bacteria in the human system, wherever it can be reached, regardless of the disease—and that remedy is D O D * * * provides permanent relief to sufferers from every disease that is caused by poison * * * most all diseases are caused by poison in the human system * * * taken internally will kill the poison in the stomach and bowels which is responsible for * * * Dyspepsia, Dysentery, Colic, Cholera Morbus, Ulcers, Ptomaine Poison and many other kindred ailments * * * Gangrene, * * * Eczema, Piles * * * Rashes * * * and other skin diseases * * * D O D when brought to steam or vapor and inhaled will kill the bacteria and poison in the nasal ducts, throat, bronchial tubes, and lungs, thereby giving almost immediate relief from Colds, Sore Throat, Bronchitis, Catarrh, Hay Fever, Grippe, Headache and Influenza. By killing the poison which causes these diseases, nature will quickly restore the affected parts to normal strength. * * * Diabetes * * * D O D * * * twice daily * * * Continue this treatment for at least 20 days and then note improvement. * * * Shingles * * * Barbers Itch * * * Dandruff * * * Asthma * * * continue until recovery is complete * * * heal all kinds of skin diseases * * * when sprayed in fine mist it kills all germs in the air * * * use a solution of $\frac{1}{2}$ teaspoonful of D O D with one gallon of water. Diabetic gangrene * * * stomach troubles."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted essentially of 94 per cent of sodium bicarbonate and 6 per cent of potassium permanganate.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements appearing in the labeling were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 28, 1924, C. Nelson Smith Co., Milwaukee, Wis., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

12856. Misbranding of Mazola. U. S. v. 25 Cases and 5½ Cases of Mazola. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18227, 18228. I. S. Nos. 17637-v, 17639-v. S. No. C-4249.)

On January 12, 1924, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30½ cases of Mazola, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Corn Products Refining Co., Argo, Ill., on or about December 1, 1923, and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "37½ Lbs. Net Mazola * * * Corn Products Refining Co. Gen'l. Offices, New York, U. S. A."

Misbranding of the article was alleged in the libel for the reason that it was [food] in package form and failed to bear a plain and conspicuous statement of the quantity of the contents.

On February 15, 1924, the Corn Products Refining Co., Argo, Ill., having entered an appearance as claimant for the property and having admitted the

material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

12857. Adulteration and misbranding of butter. U. S. v. 13 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18936. I. S. No. 12661-v. S. No. E-4931.)

On September 2, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 13 boxes of butter, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Schlosser Bros., from Indianapolis, Ind., and transported from the State of Indiana into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance containing excessive water and deficient in fat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On September 22, 1924, Schlosser Bros., Indianapolis, Ind., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act, conditioned in part that it be reprocessed so as to raise the percentage of butterfat to not less than 80 per cent.

W. M. JARDINE, *Secretary of Agriculture.*

12858. Misbranding of assorted jellies. U. S. v. 76 Cases of Assorted Jellies. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17435. I. S. Nos. 4002-v, 4005-v, 4007-v, 4008-v. S. No. C-8958.)

On April 2, 1923, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 76 cases of assorted jellies, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Lakeside Preserving Co., Chicago, Ill., in part January 18, and in part January 25, 1923, and transported from the State of Illinois into the State of Wisconsin, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Silver Buckle Brand Apple and Strawberry" (or "Apple and Currant" or "Apple and Raspberry" or "Apple and Grape") "Jelly."

Adulteration of the article was alleged in the libel for the reason that the products were acidified pectin jellies artificially colored and pectin had been mixed and packed with said products so as to reduce and lower and injuriously affect their quality and strength and acidified artificially colored pectin jellies had been substituted in whole or in part for said articles.

Misbranding of the articles was alleged in the libel for the reason that the statements appearing in the labeling, "Jelly Apple and Grape," or "Apple and Currant," "Apple and Raspberry," "Apple and Strawberry," as the case might be, were false and misleading and deceived and misled the purchaser.

On May 13, 1924, the Lakeside Preserving Co., Chicago, Ill., claimant, having admitted the product to be misbranded and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

12859. Misbranding of butter. U. S. v. 5 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18914. I. S. No. 20163-v. S. No. W-1528.)

On or about July 16, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 cases of butter, delivered for shipment in interstate commerce and remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Western Meat Co., from San Francisco, Calif., to the Territory of Hawaii, July 8, 1924, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Parkdale Brand Creamery Butter * * * 1 Pound Net Weight Distributed by Western Meat Co. San Francisco."

Misbranding of the article was alleged in the libel for the reason that it was labeled "1 Pound Net Weight," whereas the packages, as a matter of fact, contained a lesser quantity.

On August 27, 1924, the Western Meat Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$145, in conformity with section 10 of the act, conditioned in part that it be brought into conformity with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12860. Adulteration of shell eggs. U. S. v. Fred R. Smith. Plea of guilty. Fine, \$25. (F. & D. No. 18329. I. S. No. 5355-v.)

On October 9, 1924, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Fred R. Smith, Beardsley, Kans., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 21, 1923, from the State of Kansas into the State of Nebraska, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From F. R. Smith, Beardsley, Kans."

Examination by the Bureau of Chemistry of this department of 1,440 eggs from the consignment showed that 96 eggs, or 6.6 per cent of those examined, were inedible, consisting of black rots, mixed or white rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and putrid and decomposed animal substance.

On October 30, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

12861. Adulteration of shell eggs. U. S. v. Albert E. Johnson. Plea of guilty. Fine, \$25. (F. & D. No. 17809. I. S. No. 5945-v.)

On December 15, 1923, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert E. Johnson, Haworth, Okla., alleging shipment by said defendant, in violation of the food and drugs act, on or about June 30, 1923, from the State of Oklahoma into the State of Texas, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From A. E. Johnson, Haworth, Okla."

Examination by the Bureau of Chemistry of this department of 688 eggs from the consignment showed that 306 eggs, or 44.4 per cent of those examined, were inedible, consisting of black rots, mixed or white rots, spot rots, blood rings, and enlarged embryos.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On October 13, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

12862. Misbranding of butter. U. S. v. North Montpelier Cooperative Creamery Co., a Corporation. Plea of guilty. Fine, \$10. (F. & D. No. 18358. I. S. No. 1966-v.)

On June 17, 1924, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the North Montpelier Cooperative Creamery Co., a corporation, North Montpelier, Vt., alleging shipment by said company, in violation of the food and drugs act as amended, on or about November 21, 1923, from the State of Vermont into the State of Massachusetts, of a quantity of butter which was misbranded. The article was labeled in part: "One Pound Net Weight."

Examination by the Bureau of Chemistry of this department of 72 prints from the consignment showed that the average net weight of the said prints was 15.76 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the said article, was false and misleading, in that the said statement represented that each of said packages contained 1 pound net weight of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 1 pound net weight of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 7, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

W. M. JARDINE, *Secretary of Agriculture.*

12863. Adulteration of canned apples. U. S. v. 437 Cases of Canned Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19064. I. S. No. 19058-v. S. No. C-4501.)

On October 16, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 437 cases of canned apples, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Rothbury Canning Co., from Rothbury, Mich., September 2, 1924, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Rothbury Brand Apples Packed By Rothbury Canning Co., Rothbury, Mich."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On November 17, 1924, the J. M. Paver Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

12864. Adulteration of walnuts in shell. U. S. v. 100 Bags of Walnuts in Shell. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19079. I. S. No. 13991-v. S. No. E-4991.)

On October 24, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 bags of walnuts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Gustav Jubec, from Marseilles, France, on or about October 1, 1923, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, putrid, and decomposed vegetable substance.

On November 15, 1924, Orloff Bros. & Hershenstein, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,300, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion under the supervision of this department, and the bad portion destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

12865. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 19185. I. S. No. 12873-v. S. No. E-5003.)

On November 3, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 13 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmers Coop. Creamery Assoc., Boyden, Iowa, on or about October 26, 1924, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On November 13, 1924, the Farmers Cooperative Creamery Co., Boyden, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, or the deposit of collateral in like amount, conditioned in part that it be reprocessed under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12866. Adulteration and misbranding of chocolate products. U. S. v. 21 Boxes of Fisher's Chocolates. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16628. S. No. E-4026.)

On July 14, 1922, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 21 boxes of Fisher's chocolates, remaining in the original unbroken packages at Philadelphia, Pa., consigned by S. Fisher & Co., Inc., Hoboken, N. J., alleging that the article had been shipped from Hoboken, N. J., on or about June 3, 1922, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive shells had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the packages in which the article was enclosed contained labels bearing the following statements regarding the said article and the ingredients and substances contained therein, "Fisher's Chocolates * * * Guaranteed and Manufactured By S. Fisher & Co. Inc., Hoboken, N. J. U. S. A. * * * Choc. Fruit Bars" (or "Chocolate Pineapple Hearts", as the case might be), which said statements were false and misleading. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On November 14, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture*.

12867. Adulteration and misbranding of salad mustard. U. S. v. 27 Cases of Salad Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18830. I. S. No. 20215-v. S. No. W-1524.)

On September 29, 1924, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 27 cases of salad mustard, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Packers Supply Co., from Oakland, Calif., on or about May 19, 1924, and transported from the State of California into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Palace Car Brand Salad Mustard With Turmeric."

Adulteration of the article was alleged in the libel for the reason that mustard bran had been mixed and packed therewith so as to reduce or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article and in that the designation "Salad Mustard" was false and misleading and deceived and misled the purchaser when applied to a product containing added mustard bran.

On November 14, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture*.

12868. Adulteration and misbranding of grape juice. U. S. v. 15 Cases and 10 Cases of Grape Juice. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18921. I. S. Nos. 18994-v, 18995-v. S. No. C-4459.)

On August 20, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of grape juice, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the John C. Meir Grape Juice Co., from Silverton, Ohio, July 10, 1924, and transported from the State of Ohio into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Lady Clementine Catawba Grape Juice."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

Misbranding was alleged for the reason that the bottles containing the article bore the following statements, "Lady Clementine Catawba Grape Juice Contents 12½ Fl. Oz." (or "1 Pt. 9 Fl. Oz.") "Contains about .034 of 1% Sulphur Dioxide," which statements were false and misleading in that they represented to the purchaser that the article consisted of grape juice, and for the further reason that the said statements deceived and misled the purchaser into the belief that the article was grape juice, whereas, in truth and in fact, it consisted in part of added water and was offered for sale under the distinctive name of Catawba grape juice.

On November 13, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture*.

12869. Misbranding of butter. U. S. v. Sugar Creek Creamery Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 18087. I. S. Nos. 6844-v, 6845-v.)

On June 6, 1924, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sugar Creek Creamery Co., a corporation, trading at Louisville, Ky.,

alleging shipment by said company, in violation of the food and drugs act as amended, on or about June 5, 1923, from the State of Kentucky into the State of Louisiana, of a quantity of butter which was misbranded. The article was labeled in part: "One Pound Net Velvet Brand Elgin Creamery Butter."

Analyses by the Bureau of Chemistry of this department of two samples consisting of 64 packages and 36 packages, respectively, taken from the consignment, showed that the average net weight of the said samples was 15.59 ounces and 15.61 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the article, was false and misleading, in that the said statement represented that each of the packages contained 1 pound net of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net of butter, whereas, in truth and in fact, each of said packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 25, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture*.

12870. Misbranding of cottonseed meal. U. S. v. Americus Oil Co., a Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 17782. I. S. Nos. 1667-v, 3186-v, 3191-v.)

On April 15, 1924, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Americus Oil Co., a corporation, Americus, Ga., alleging shipment by said company, in violation of the food and drugs act, on or about September 12, 1922, from the State of Georgia into the State of Florida, and on or about November 17, 1922, from the State of Georgia into the State of Connecticut, of quantities of cottonseed meal which was misbranded. The article in the shipment to Connecticut was labeled in part: "Cotton Seed Meal * * * Guaranteed Analysis Protein (Equivalent to 7% ammonia) 36.00% Fat 5.00% * * * Nitrogen 5.75% Fibre 14.00%." The article in the shipment to Florida was labeled in part: "Cotton Seed Meal Guaranteed Analysis Ammonia 7.00% Protein 36.00% Fat—not less than 5.50% * * * Fibre—not more than 12.50%."

Analysis by the Bureau of Chemistry of this department of a sample of the product shipped November 17 into Connecticut showed that it contained 35 per cent of protein, 6.81 per cent of ammonia, 5.60 per cent of nitrogen, and 16.27 per cent of fiber. Analysis by said bureau of a sample from each of the two shipments of September 12 into Florida showed that the said samples contained 6.22 per cent and 6.18 per cent, respectively, of ammonia, 32.02 per cent and 31.76 per cent, respectively, of protein, 5.00 per cent and 4.73 per cent, respectively, of fat, and 16.35 per cent and 16.97 per cent, respectively, of fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein (Equivalent to 7% ammonia), 36.00% * * * Nitrogen 5.75%, Fibre 14.00%," borne on the tags attached to the sacks on the shipment to Connecticut, and the statements, to wit, "Guaranteed Analysis Ammonia 7.00%, Protein 36.00%, Fat—not less than 5.50% * * * Fibre—not more than 12.50%," borne on the tags attached to the sacks on the shipment to Florida, were false and misleading, in that the said statements represented that the article contained not less than the amounts of protein, ammonia, nitrogen, and fat, as the case might be, declared in the said labels and not more than the amounts of fiber so declared, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than the said amounts of protein, ammonia, nitrogen, and fat, and not less than the said amounts of fiber, whereas, in truth and in fact, the article contained less protein, ammonia, nitrogen, and fat, as the case might be, and more fiber, than declared.

On October 10, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture*.

12871. Adulteration of canned salmon. U. S. v. Hidden Inlet Canning Co., a Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 18750. I. S. Nos. 911-v, 6216-v, 6570-v.)

On September 27, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hidden Inlet Canning Co., a corporation, trading at Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about December 28, 1922, from the State of Washington into the State of Arkansas, and on or about October 15, 1923, from the State of Washington into the State of Georgia, of quantities of canned salmon which was adulterated. The article was labeled in part: (Can) "Steamboat Brand Alaska Salmon * * * Packed by Hidden Inlet Canning Co. Main Office: Seattle, Wash., U. S. A."

Examination of samples of the article by the Bureau of Chemistry of this department showed that it was partly decomposed.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On October 20, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

12872. Adulteration of canned salmon. U. S. v. Hidden Inlet Canning Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 18574. I. S. Nos. 8401-v, 20683-v.)

On June 14, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hidden Inlet Canning Co., a corporation, trading at Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about September 19 and October 10, 1923, respectively, from the Territory of Alaska into the State of Washington, of quantities of canned salmon which was adulterated. The article in the shipment of October 10 was labeled in part: "My-T-Fine Brand Choice Pink Salmon." The article in the shipment of September 19 was labeled in part: "Celebration Brand Cohoe Salmon Packed By Hidden Inlet Canning Co. Main Office: Seattle, Wash., U. S. A."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was partly decomposed.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On October 14, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture.*

12873. Misbranding of Dobry's positive hog cure. U. S. v. John Dobry Mfg. Co., a Corporation. Tried to the court and a jury. Verdict of guilty. Fine, \$200 and costs. (F. & D. No. 15069. I. S. No. 1461-t.)

On September 27, 1921, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Dobry Mfg. Co., a corporation, Cedar Rapids, Iowa, alleging shipment by said company, in violation of the food and drugs act as amended, on or about February 24, 1921, from the State of Iowa into the State of Illinois, of a quantity of Dobry's positive hog cure which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of 14.8 per cent of arsenic trioxide, 8.8 per cent of sulfur, with charcoal, and plant material including aloe and ginger.

Misbranding of the article was alleged in the information for the reason that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the packages containing the said article, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for hog cholera, tuberculosis, and other hog diseases, for cough and scours in hogs and suckling pigs, and effective to destroy lung and intestinal worms,

and effective as a preventive of cholera and tuberculosis in hogs, when, in truth and in fact, it contained no ingredients or medicinal agents effective for the purposes claimed.

On April 4, 1923, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel, the court delivered the following instructions to the jury (Scott, *D. J.*):

"GENTLEMEN OF THE JURY: The defendant, John Dobry Mfg. Co., a corporation of this county and State, has been informed against by the United States Government in conformity with the regular practice in that respect, charging the defendant with a violation of an act of Congress known as the food and drugs act, and in that respect the Government charges that John Dobry Mfg. Co. within the jurisdiction of this court and on or about the 24th of February, 1921, then and there in violation of the act of Congress of June 30th, 1906, known as the food and drugs act as amended by the act of August 23rd, 1912, did unlawfully ship and deliver for shipment by the United States mail from the city of Cedar Rapids, State of Iowa, to the city of Maywood in the State of Illinois, and consigned to F. Hackman, certain packages containing an article designed and intended to be used in the cure, prevention, and mitigation of diseases of hogs. That is to say, a certain article of drugs bearing statements, designs, and devices regarding its therapeutic and curative effects, and labeled, marked, and branded on said package as follows: "Dobry's Positive Cure for Hog Diseases. The first positive cure for hog cholera and tuberculosis known to the world. Allays fever, destroys lung and intestinal worms, relieves constipation, purifies blood, cures cholera, tuberculosis, thumps, coughs, and scours in hogs and suckling pigs. Prevents cholera, tuberculosis, and other hog diseases. Manufactured by John Dobry Manufacturing Company, Cedar Rapids, Iowa, U. S. A. Dobry's positive cure for hog cholera, tuberculosis, and other hog diseases. Dobry's Positive Hog Cure, 'Worth Its Weight in Gold.' Manufactured from pure medicinal drugs by John Dobry Manufacturing Company, Cedar Rapids, Iowa, U. S. A." Which said article, shipped and delivered for shipment as aforesaid, was then and there misbranded within the meaning of said act of Congress as amended, in that the statements, designs, and devices regarding the therapeutic and curative effects thereof, appearing on the packages as aforesaid, were false and fraudulent in this, that the same were applied to said articles knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof, and create in the minds of purchasers thereof the impression and belief that the article was in whole or in part composed of or contained ingredients or medicinal agents effective, among other things, as a treatment, remedy, and cure for hog cholera, tuberculosis, and other hog diseases, and effective as a treatment, remedy, and cure for coughs and scours in hogs and suckling pigs, and effective to destroy lung and intestinal worms, and effective as a preventative of cholera and tuberculosis in hogs, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain ingredients or medicinal agents effective as a treatment, remedy, or cure for hog cholera, tuberculosis, or other hog diseases, or effective as a treatment, remedy, or cure for coughs or scours in hogs and suckling pigs, or effective to destroy lung or intestinal worms, or effective as a preventative of cholera or tuberculosis in hogs; all of which was and is contrary to the form of the statute in such case made and provided.

"To this charge the defendant has pleaded not guilty, and you are instructed that this plea puts in issue and is a denial of each and every material allegation of the information, and every ingredient composing the facts charged. It places upon the Government the burden of proving each and every material allegation of the information against the defendant beyond all reasonable doubt, and to exclude from your minds all reasonable doubt of the defendant's innocence.

"The defendant is presumed to be innocent until he is proved otherwise throughout the entire trial, and until the Government by evidence so strong and convincing has removed from your minds every reasonable doubt of innocence and established with that degree of evidence the defendant's guilt.

"A reasonable doubt is a substantial one and not a captious or fanciful one. It is a doubt that naturally arises upon the evidence or from a lack of evidence, and not one that is forced, not one that arises in your minds merely because of some desire to avoid the discharge of duty, or on the mere desire to acquit the defendant.

"The act of Congress under which this charge is brought, in substance, provides that the introduction into any State from any other State of any drugs which are misbranded within the meaning of the act is a misdemeanor. It prohibits such introduction, and it provides that any person who shall ship or deliver for shipment from any State to any other State such articles so misbranded shall be guilty of a misdemeanor and subject to a fine named in the act.

"The act of Congress further provides that the term "misbranded" shall apply to drugs, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein, [which] shall be false or misleading in any particular; and in case of drugs if its package or label shall bear or contain any statement regarding the curative or therapeutic effect of such article, or any of the ingredients or substances contained therein, which are false or fraudulent.

"Now, it is not necessary that the Government shall prove that each and all of the statements contained on the package or on the label are false or fraudulent. If the Government has established by the degree of evidence which I have explained to you any one material statement or representation upon the package or label of the kind defined as misbranded, and has so established it beyond a reasonable doubt, and that the article was introduced by the defendant from one State into another State knowingly and fraudulently, then you should find the defendant guilty. But if the Government has failed to establish to your satisfaction by that degree of proof and beyond a reasonable doubt any one of the charges of misbranding, then you should acquit the defendant.

"You will note that one of the statements contained in the printing on the package is that the commodity referred to was a "Positive Cure For Hog Diseases," that it was "The First Positive Cure for Hog Cholera and Tuberculosis known to the world." In that respect you are to give to the word "positive" and to all other words contained in the information such meaning and purpose as the word generally signifies and the thought which it is generally intended to convey. It is not necessary for the Government in a case of this character to prove or establish or even introduce any evidence tending to prove that any particular person has been defrauded. The act of Congress in question prohibits the introduction into one State from another of the article so misbranded; and it is such introduction under the circumstances with the intent named in the statute that constitutes the crime, and not the fact that some one particular person has been deceived. So, if the evidence in this case convinces you beyond all reasonable doubt that on or about the time named in the information the defendant, John Dobry Manufacturing Company, through the agency of the United States mail, introduced into the State of Illinois from the State of Iowa, the articles or drugs referred to in the testimony, and printed as alleged in the information, and if you further find from the evidence beyond all reasonable doubt that the statements referred to in the information with respect to the curative quality of the contents of the package and their therapeutic qualities were false and known to be false by the defendant, and fraudulently introduced into the other State, then it is your duty under the law and under your oaths to find the defendant guilty. But if the Government has failed to so prove to your satisfaction and beyond a reasonable doubt, it is equally your duty under the law and under your oaths to acquit the defendant.

"You are the sole judges of the weight of the evidence and the credibility of the witnesses who have testified before you. You are not bound to take the testimony of any witness as absolutely true, and you should not do so if, for any reason, you are satisfied that the witness is mistaken or that his testimony is untrue or unreliable. In determining the weight and credibility of the testimony, or any part thereof, you may and should consider the relation of the witness to the case and his interest therein, his temperament, bias, or feeling, if any has been shown upon the witness stand, his apparent intelligence and means of knowledge and information. Witnesses who testify upon matters with respect to which they have little means of knowledge or information, such testimony should be received with caution. You should take into consideration their apparent intelligence, their situation, and ability to know the matters with respect to which they have testified, the reasonableness or unreasonableness of their testimony, and give such weight and credit to the testimony of each witness as under all the facts and circumstances in the case as they appear in evidence on the trial you think it entitled to receive.

"The Government has asked me to give a particular instruction to the effect that if you believe from the evidence that any one of the therapeutic statements upon the printed matter set out in the Government's information was partly true, but was so artfully worded as to convey a meaning as to its therapeutic properties which was wholly false, and that the printed matter was so worded for the purpose of deceiving the public, then that statement would be false and fraudulent, and you may find a verdict for the Government.

"That is the law as an abstract statement, but in giving it to you I wish to qualify it to the effect that you must still find, from the evidence on the whole case, beyond a reasonable doubt, that any false statement as stated in this instruction, if you find that such false statement was made, must have been knowingly made, and must have been made with the intent to defraud.

"The court submits you two forms of verdict:

"Form of verdict No. 1. 'We, the jury, find the defendant guilty as charged in the information.'

"If you agree upon such verdict, have your foreman sign it and return it into court.

"Form of verdict No. 2. 'We, the jury, find the defendant not guilty as charged in the information.'

"If you agree upon such verdict, have your foreman sign it and return it into court.

"You will take with you the exhibits that have been introduced in evidence and the forms of verdict, and accompany the officer and begin your deliberations.

"When you have agreed upon a verdict, return the same into court. You may pass out with the officer."

Mr. REDMOND: "The defendant excepts to such portion of the court's charge as might warrant the jury in finding the words 'Positive Cure' a misstatement of the therapeutic or medicinal value of the drugs and medicine included in the package. Otherwise than that, Your Honor, I guess I have no exceptions."

The jury then retired and after due deliberation returned, on April 5, 1923 a verdict of guilty, and the court imposed a fine of \$200 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

12874. Adulteration of tomato catsup. U. S. v. 10 Cases and 10 Cases of Tomato Catsup. Default decree entered ordering product destroyed. (F. & D. No. 18492. I. S. No. 925-v. S. No. E-4754.)

On March 20, 1924, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases 8-ounce size, and 10 cases 14½-ounce size, of tomato catsup, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Lutz & Schramm Co., from Pittsburgh, Pa., on or about December 20, 1923, and transported from the State of Pennsylvania into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Bottle) "Guaranteed Pure Food Products of Quality L & S 14½ Oz." (or "8 Oz.") "Net Wt. Adv."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On September 17, 1924, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12875. Misbranding of Abbott Bros. compound for rheumatism. U. S. v. 31 Bottles of Abbott Bros. Compound For Rheumatism. Product adjudged misbranded and ordered destroyed. (F. & D. No. 16313. S. No. C-3627.)

On May 13, 1922, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 31 bottles of Abbott Bros. compound for rheumatism, remaining in the original unbroken packages at Chattanooga, Tenn., alleging that the article had been shipped by the Abbott Bros. Co., from Berwin, Ill..

on or about March 25, 1922, and transported from the State of Illinois into the State of Tennessee, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle, carton, and circular) "For Rheumatism"; (carton, additional) "Muscular, Articular, Inflammatory * * * Sciatica, Rheumatic Neuritis and Stiffness and Soreness of the Joints and Muscles * * * Lumbago and all Muscular and Nerve Pains of Rheumatic Origin."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of 8 per cent of potassium iodid, 1.5 per cent of extracts of plant drugs including colchicum, 16.9 per cent of alcohol, and approximately 73 per cent of water, flavored with small quantities of aromatics including methyl salicylate.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article were false, fraudulent, and misleading, in that it contained no ingredient or combination of ingredients capable of producing the effect claimed.

On May 11, 1923, no claimant having appeared for the property, judgment of the court was entered, finding the product to be misbranded and ordering its destruction by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12876. Adulteration of mineral water. U. S. v. 6 Cases of Crazy Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19017. I. S. No. 23007-v. S. No. C-4494.)

On September 28, 1924, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 cases of Crazy Water at Oklahoma City, Okla., alleging that the article had been shipped by the Crazy Well Water Co., from Mineral Wells, Texas, on or about May 23, 1924, and transported from the State of Texas into the State of Oklahoma, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Bottle) "Crazy No. 2 * * * The Crazy Well Water Company, Mineral Wells, Texas."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On November 28, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12877. Adulteration of canned salmon. U. S. v. 6,000 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 19018. I. S. No. 20231-v. S. No. W-1581.)

On September 26, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6,000 cases of salmon, consigned August 15, 1924, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Bank of Alaska, from Drier Bay, Alaska, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "4 Dozen 1-lb. Gorman's Alaska Pink Salmon Packed and Distributed by Gorman & Company, Seattle, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On November 1, 1924, Gorman & Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

12878. Adulteration of canned salmon. U. S. v. 516 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 19014. I. S. Nos. 20292-v, 20244-v. S. No. W-1587.)

On September 24, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 516 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Gorman & Co., from Frier [Drier] Bay, Alaska, September 2, 1924, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "4 Dozen One Pound Gorman Brand Alaska Pink Salmon Packed and Distributed by Gorman & Company, Seattle, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On November 1, 1924, Gorman & Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

12879. Adulteration of mineral water. U. S. v. 9 Cases of Healing Springs Water. Default decree ordering destruction of product. (F. & D. No. 18398. I. S. No. 16526-v. S. No. E-4750.)

On February 20, 1924, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cases of healing springs water, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Virginia Hot Springs Co., from Hot Springs, Va., on or about December 3, 1923, and transported from the State of Virginia into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Bottle) "The Healing Springs "Water" Healing Springs, Bath County, Virginia. * * * Virginia Hot Springs Company, Hot Springs, Bath Co., Va."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole of a filthy, decomposed, and putrid animal substance.

On September 17, 1924, no claimant having appeared for the property, judgment of the court was entered, ordering that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12880. Misbranding of butter. U. S. v. 38 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18933. I. S. No. 12659-v. S. No. E-4930.)

On August 29, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 38 boxes of butter, remaining in the original unbroken packages at Baltimore, Md., consigned on or about August 16, 1924, alleging that the article had been shipped by the Minnesota Cooperative Creameries Assoc., from Chicago, Ill., and transported from the State of Illinois into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Misbranding of the article was alleged in the libel for the reason that the statement "Western Maryland Dairy Butter One Pound Net Weight" was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 15, 1924, the Western Maryland Dairy Co., Baltimore, Md., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution

of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that it be properly labeled.

W. M. JARDINE, *Secretary of Agriculture.*

12881. Adulteration and misbranding of cottonseed meal. U. S. v. 150 Bags of Cottonseed Meal. Decree entered ordering product released under bond to be relabeled. (F. & D. No. 18920. I. S. No. 12718-v. S. No. E-4925.)

On August 20, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 150 bags of cottonseed meal, consigned on or about February 19, 1924, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Eastern Cotton Oil Co., from Edenton, N. C., and transported from the State of North Carolina into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Supreme Cotton Seed Meal * * * Manufactured by Eastern Cotton Oil Company Edenton, N. C. Guarantee Protein not less than 36.00% Equivalent to Ammonia 7.00% * * * Fibre not more than 14.00%."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein (ammonia) and containing excessive fiber had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged in substance for the reason that the statements "Supreme Cotton Seed Meal * * * Guarantee Protein not less than 36.00% Equivalent to Ammonia 7.00% * * * Fiber not more than 14.00%" were false and misleading and deceived and misled the purchaser, in that the said statements represented that the article contained 36 per cent of protein, equivalent to 7 per cent of ammonia, and contained not more than 14 per cent of fiber, whereas it contained less than 36 per cent of protein, less than the equivalent of 7 per cent of ammonia, and contained more than 14 per cent of fiber.

On September 10, 1924, the Eastern Cotton Oil Co., Edenton, N. C., having appeared as claimant for the property and having admitted the material allegations of the libel, judgment of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$800, in conformity with section 10 of the act, conditioned in part that it be properly labeled.

W. M. JARDINE, *Secretary of Agriculture.*

12882. Adulteration and misbranding of butter. U. S. v. 11 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19184. I. S. No. 12872-v. S. No. E-5001.)

On November 5, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Madison [Fort Madison] Creamery Co., Fort Madison, Iowa, on or about October 11, 1924, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On November 19, 1924, the Fort Madison Creamery Co., Fort Madison, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned

in part that it be reworked and reprocessed under the supervision of this department, to comply with the law.

W. M. JARDINE, *Secretary of Agriculture.*

12883. Adulteration and misbranding of vanilla extract. U. S. v. 10 Gross Vanilla Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19060. I. S. No. 16856-v. S. No. E-4980.)

On October 15, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information against 10 gross vanilla extract, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Morrow & Co., from New York, N. Y., August 26, 1924, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, an imitation vanilla extract, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article, and for the further reason that it had been colored in a manner whereby damage and inferiority was concealed.

Misbranding was alleged for the reason that the statements "Vanilla Extract Benefit Brand Highest Quality Pure Vanilla Extract Quality, Strength, Purity All Benefit Pure Food Products Are The Highest Standard Fine flavoring extracts," appearing on the bottle carton, and "Benefit Brand Highest Quality Pure Vanilla Extract," on the bottle label, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On November 18, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12884. Adulteration and misbranding of vinegar. U. S. v. John Scowcroft & Sons Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 18732. I. S. Nos. 11521-v, 11522-v, 11524-v.)

On October 15, 1924, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John Scowcroft & Sons Co., a corporation, Ogden, Utah, alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about July 11, and August 10, 1923, respectively, from the State of Utah into the State of Idaho, of quantities of vinegar which was adulterated and misbranded. A portion of the article was labeled in part: (Bottle) "Kitchen King Brand Malt Vinegar * * * Acidity 4% John Scowcroft & Sons Company Ogden, Utah, U. S. A." The remainder of the said article was labeled in part: (Bottle) "Blue Pine Brand * * * Pure Malt Vinegar acidity 4½% John Scowcroft & Sons Company, Ogden, Utah, U. S. A."

Analysis of a sample of the Kitchen King brand vinegar by the Bureau of Chemistry of this department showed that it was distilled vinegar of low acidity colored with caramel. Analysis by said bureau of a sample of the Blue Pine brand vinegar, consigned July 11, showed that it was distilled vinegar colored with caramel. Analysis by said bureau of a sample of the Blue Pine brand vinegar, consigned August 10, showed that it was distilled vinegar of low acidity.

Adulteration of the article was alleged in the information for the reason that a product, to wit, distilled vinegar, a portion of which had an acidity less than declared on the label, had been substituted for malt vinegar, which the said article purported to be. Adulteration was alleged with respect to a portion of the article for the reason that it had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements "Malt Vinegar" and "Acidity 4%," with respect to the Kitchen King brand vinegar, the statement "Pure Malt Vinegar," with respect to the Blue Pine brand vinegar consigned July 11, and the statements "Pure Malt Vinegar" and "Acidity 4½%," with respect to the Blue Pine brand vinegar consigned August 10, were

false and misleading, in that the said statements represented that the article was malt vinegar and that the Kitchen King brand vinegar and a portion of the Blue Pine brand vinegar had an acidity of 4 per cent or $4\frac{1}{2}$ per cent, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was malt vinegar and that the Kitchen King brand vinegar and a portion of the Blue Pine brand vinegar had an acidity of 4 per cent or $4\frac{1}{2}$ per cent, as the case might be, whereas, in truth and in fact, it was not malt vinegar but was distilled vinegar, certain portions of which were artificially colored and certain portions of which had acidity less than declared on the labels. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On October 24, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture*.

12885. Adulteration of butter. U. S. v. Willow Springs Creamery Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 18101. I. S. No. 6886-v.)

On April 2, 1924, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Willow Springs Creamery Co., a corporation, Willow Springs, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about June 25, 1923, from the State of Missouri into the State of Louisiana, of a quantity of butter which was adulterated.

Analyses of 12 samples of the article by the Bureau of Chemistry of this department showed that the said samples averaged 16.37 per cent moisture and 79.08 per cent milk fat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the article purported to be.

On October 7, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture*.

12886. Adulteration of shell eggs. U. S. v. 6 Cases, et al., of Shell Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18954, 18955, 18957, 19030, 19032. S. Nos. W-1561, W-1562, W-1563, W-1577, W-1578.)

On or about August 23 and September 9, 1924, respectively, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 192 cases of shell eggs, remaining in the original unbroken packages at Denver, Colo., consigned by George Kliren, alleging that the article had been shipped between the dates of August 9 and 26, 1924, and transported from the State of Nebraska into the State of Colorado, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, to wit, of decomposed and rotten eggs, which were unfit for food.

On or about September 25, 1924, the cases having been consolidated into one action and George Kliren, Trenton, Neb., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, conditioned in part that it be examined under the supervision of this department, and the bad eggs destroyed.

W. M. JARDINE, *Secretary of Agriculture*.

12887. Misbranding of vanilla extract. U. S. v. 34 Dozen Bottles of Vanilla Extract. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18722. I. S. No. 20208-v. S. No. W-1513.)

On June 7, 1924, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemna-

tion of 34 dozen bottles of vanilla extract, at Great Falls, Mont., alleging that the article had been shipped by the Stone-Ordean-Wells Co., Duluth, Minn., on or about February 20, 1924, and transported from the State of Minnesota into the State of Montana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle and carton) "Two Fluid Ounces Stone's Pure Extract Vanilla Stone-Ordean-Wells Company Duluth. Alcohol 40%."

Misbranding of the article was alleged in substance in the libel for the reason that the statement on the bottles and cartons relative to the measure and contents thereof, "Two Fluid Ounces Stone's Pure Extract Vanilla Alcohol 40%," was false and misleading and deceived and misled the purchaser, in that the bottles did not contain the volume and content as labeled. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked and stated on the outside of the packages in terms of weight and measure.

On August 13, 1924, the Stone-Ordean-Wells Co., Duluth, Minn., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

12888. Adulteration of walnuts in shell. U. S. v. 10 Bags of Walnuts in Shell. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19080. I. S. No. 13990-v. S. No. E-4990.)

On October 24, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 bags of walnuts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Philippe Vergnaud, from Bordeaux, France, on or about November 7, 1923, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On November 21, 1924, James W. McGlone, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion under the supervision of this department, and the bad portion destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

12889. Adulteration of canned sardines. U. S. v. 15 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19150. I. S. No. 13329-v. S. No. E-5008.)

On November 13, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 cases of sardines, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by L. D. Clark & Son, from Eastport, Me., on or about October 1, 1924, and transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Carton) "Banquet Brand American Sardines * * * Packed by L. D. Clark & Son, Eastport, Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On December 8, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12890. Misbranding and alleged adulteration of vinegar. U. S. v. 53 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15463. I. S. No. 812-t. S. No. C-3262.)

On October 11, 1921, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 53 barrels of vinegar at Dubuque, Iowa, consigned by the Douglas Packing Co., Fairport, N. Y., alleging that the article had been shipped from Fairport, N. Y., on or about July 26, 1921, and transported from the State of New York into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Barrel) "Apple Cider Vinegar Made From Selected Apples * * * Rochester, N. Y."

Adulteration of the article was alleged in substance in the libel for the reason that it had been made wholly or partly from evaporated or dried apple products, and because of such fact its quality or strength had been reduced and lowered.

Misbranding was alleged in substance for the reason that the statement appearing on the said barrels "Apple Cider Vinegar Made From Selected Apples" was false and misleading, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a pure apple cider vinegar, when in fact it was in whole or in part made from evaporated or dried apples containing barium. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, "Apple Cider Vinegar."

On December 2, 1924, the Douglas Packing Co. having appeared as claimant for the property, judgment of the court was entered, finding the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

12891. Misbranding of bakery products. U. S. v. the Lindquist Cracker Co., a Corporation. Plea of guilty. Fine, \$120. (F. & D. No. 18465. I. S. Nos. 8540-v, 8541-v, 11337-v, 11338-v, 11342-v, 11344-v.)

On June 20, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lindquist Cracker Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the food and drugs act, in various consignments between the dates of December 10, 1923, and January 4, 1924, from the State of Colorado into the States of Oklahoma, New Mexico, and Texas, respectively, of quantities of bakers' products which were misbranded. The articles were labeled variously: "Chocolate Bon Bons Net Weight 4 Ozs. Lindquist's Trade Mark Sincerity Denver, Colo.;" "Sincerity Lemon Wafers The Lindquist Cracker Co. Denver, Colo. * * * Minimum Net Weight 6¾ Ozs.;" "Lemon Snaps The Lindquist Cracker Co. Denver, Colo. Net Weight 4 Ounces;" "Sincerity Coconut Dainties The Lindquist Cracker Co. Denver, Colo. Minimum Net Weight 7½ Oz."

Examination of the articles by the Bureau of Chemistry of this department showed that the packages contained less than the quantity declared on the respective labels.

Misbranding of the articles was alleged in the information for the reason that the statements, to wit, "Net Weight 4 Ozs.," "Minimum Net Weight, 6¾ Ozs.," "Minimum Net Weight 7½ Oz.," borne on the labels attached to the packages containing the respective articles, were false and misleading, in that the said statements represented that the said packages contained 4 ounces, 6¾ ounces, or 7½ ounces, as the case might be, of the respective articles, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages contained 4 ounces, 6¾ ounces, or 7½ ounces, as the case might be, of the respective articles, whereas, in truth and in fact, the said packages did not contain the amounts declared on the respective labels but did contain less amounts. Misbranding was alleged for the further reason that the article was food in package form

and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 2, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$120.

W. M. JARDINE, *Secretary of Agriculture.*

12892. Misbranding of candy. U. S. v. the Savage Candy Co., a Corporation. Plea of guilty. Fine, \$40. (F. & D. No. 19001. I. S. Nos. 20021-v, 20654-v.)

At the November, 1924, term of the United States District Court within and for the District of Colorado, the United States attorney for the said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Savage Candy Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about May 7, 1924, from the State of Colorado into the State of Nebraska, and on or about May 22, 1924, from the State of Colorado into the State of Wyoming, of quantities of candy which was misbranded. The article in the shipment of May 7 was labeled in part: "Savage's Chocolate Dipped Willies Dream 5¢ The Savage Candy Co. Denver, Net Weight 2 Oz. Or Over." The article in the shipment of May 22 was labeled in part: "Savage's Turkish Delight 10¢ Net Weight 2½ Oz. Or Over 10¢."

Examination by the Bureau of Chemistry of this department of 300 packages of "Willies Dream" showed that the average net weight of the packages examined was 1.64 ounces. Examination of 48 packages of "Turkish Delight" showed that the average net weight of the packages examined was 2.08 ounces.

Misbranding of the articles was alleged in the information for the reason that the statements, to wit, "Net Weight 2 Oz. Or Over" and "Net Weight 2½ Oz. Or Over," borne on the respective labels, were false and misleading, in that the said statements represented that the packages contained 2 ounces net weight, or 2½ ounces net weight, as the case might be, of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that said packages contained 2 ounces net weight, or 2½ ounces net weight, as the case might be, of the said article, whereas, in truth and in fact, the said packages did not contain the amounts declared on the respective labels but did contain less amounts. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside, since the stated weight was more than the actual contents of the package.

On December 2, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$40.

W. M. JARDINE, *Secretary of Agriculture.*

12893. Misbranding of oil. U. S. v. Theodore Economu and Emanuel G. Ritsos (Economu-Ritsos Co.). Pleas of guilty. Fine, \$150. (F. & D. No. 16214. I. S. Nos. 6614-t, 6615-t, 6616-t.)

On June 26, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Theodore Economu and Emanuel G. Ritsos, trading as Economu-Ritsos Co., New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act as amended, on April 13, 1921, from the State of New York into the State of Connecticut, of quantities of oil which was misbranded. The article was labeled in part: (Can) "Extra Fine Quality Oil For Salads Victory Brand * * * Net Contents 1 Gallon" (or "Net Contents ½ Gallon" or "Net Contents One Quart") "Packed By Economu-Ritsos Co., Inc., New York."

Examination by the Bureau of Chemistry of this department of a sample from each of the lots showed a shortage of 2.2 per cent in the contents of the alleged gallon cans, of 2.63 per cent in the contents of the alleged half-gallon cans, and of 8.46 per cent in the contents of the alleged quart cans.

Misbranding of the article was alleged in the information for the reason that the statements "Net Contents 1 Gallon," "Net Contents ½ Gallon," and "Net Contents One Quart," borne on the respective-sized cans containing the article, were false and misleading, in that the said statements represented that the cans contained 1 gallon net, one-half gallon net, or 1 quart net of the said article, as the case might be, and for the further reason that it was labeled

as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 gallon net, one-half gallon net, or 1 quart net of the said article, as the case might be, whereas, in truth and in fact, each of the said cans did not contain the amount declared on the respective labels but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 4, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$150.

W. M. JARDINE, *Secretary of Agriculture.*

12894. Adulteration of canned salmon. U. S. v. 1,823 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released to be used as fish food. (F. & D. No. 17881. I. S. No. 8401-v. S. No. W-1431.)

On October 27, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,823 cases of salmon, remaining in the original unbroken packages at Seattle Wash., alleging that the article had been shipped by the Hidden Inlet Canning Co., from Hood Bay, Alaska, October 10, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "My-T-Fine Brand Choice Pink Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On November 15, 1924, the Hidden Inlet Canning Co., Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the Oregon State Fish Commission to be used for fish food and that the claimant pay the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

12895. Adulteration of canned salmon. U. S. v. 760 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 18917. I. S. No. 7763-v. S. No. W-1556.)

On August 20, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 760 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Alaska Consolidated Canneries, from Tenake, Alaska, June 20, 1924, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Target Brand Alaska Pink Salmon Packed In Alaska By Columbia Salmon Co. Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On November 21, 1924, the Alaska Consolidated Canneries, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

12896. Misbranding of meat scrap. U. S. v. 400 Sacks of Meat Scrap. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18801. I. S. No. 16651-v. S. No. E-4870.)

On June 24, 1924, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 sacks of meat scrap, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Norfolk Tallow Co. from Portsmouth, Va., on or about May

27, 1924, and transported from the State of Virginia into the State of Florida, and charging misbranding in violation of the food and drugs act.

Misbranding of the article was alleged in the label for the reason that the label bore the following statement regarding the said article or the ingredients or substances contained therein, "High Grade AA Meat Scraps Guaranteed Analysis Protein Min. 45%," which was false and misleading and deceived and misled the purchaser.

On August 2, 1924, the Norfolk Tallow Co., Portsmouth, Va., having appeared as claimant for the property and having admitted the allegations of the label, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$800, in conformity with section 10 of the act, conditioned that it be relabeled so as to describe the said product accurately and correctly, and it was further ordered by the court that the claimant be permitted to remill the product so as to add sufficient protein to bring it up to 45 per cent protein.

W. M. JARDINE, *Secretary of Agriculture.*

12897. Misbranding of butter. U. S. v. 180 Pounds of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18913. I. S. No. 20276-v. S. No. W-1539.)

On July 29, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a label praying the seizure and condemnation of 180 pounds of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been delivered for shipment from the State of Washington into the Territory of Alaska, on or about July 29, 1924, by Turner & Pease Co., Inc., and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Wrapper) "Meadowbrook Fancy Creamery * * * Manufactured Exclusively By Turner & Pease Co. Seattle, Washington one Pound Net Weight."

Misbranding of the article was alleged in the label for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 27, 1924, Turner & Pease Co., Inc., Seattle, Wash., claimant, having admitted the allegations of the label and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that it be repacked and relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12898. Misbranding of butter. U. S. v. Kosciusko Creamery, a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 17817. I. S. Nos. 6877-v, 6880-v.)

On April 7, 1924, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kosciusko Creamery, a corporation, Kosciusko, Miss., alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about June 19 and 23, 1923, respectively, from the State of Mississippi into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Kosciusko's Mississippi Prize Creamery Butter * * * Kosciusko Creamery, Kosciusko, Miss. * * * One Pound Net Weight."

Examination by the Bureau of Chemistry of this department of 78 cartons from one lot of the product and 50 cartons from the remaining lot showed that the average net weight of the said lots was 15.69 ounces and 15.33 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the said article, was false and misleading, in that the said statement represented that each of said packages contained 1 pound net weight of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net weight of butter, whereas, in truth and in fact, each of said packages

did not contain 1 pound net weight of butter, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 6, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture.*

12899. Adulteration of shell eggs. U. S. v. Marius Skjulstad. Plea of guilty. Fine, \$10. (F. & D. No. 12319. I. S. Nos. 8477-r, 18778-r, 18782-r.)

On May 24, 1920, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Marius Skjulstad, Whitman, N. D., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, namely, on or about July 3 and 17, 1919, respectively, from the State of North Dakota into the State of Minnesota, of quantities of shell eggs which were adulterated. The article was labeled in part: (Case) "From M. Skjulstad, Whitman, N. Dak."

Examination by the Bureau of Chemistry of this department of 360 eggs from one of the consignments showed that 171 eggs, or 47.5 per cent of those examined, were inedible. Examination of 720 eggs from a second lot showed that 95 eggs, or 13.2 per cent of those examined, were inedible. Examination of 360 eggs from a third lot showed that 113 eggs, or 31.38 per cent of those examined, were inedible. The inedible eggs consisted of black rots, mixed or white rots, moldy eggs, spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On November 18, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

W. M. JARDINE, *Secretary of Agriculture.*

12900. Adulteration and misbranding of vinegar. U. S. v. Vernon D. Price Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 18756. I. S. Nos. 9697-v, 12431-v.)

At the September, 1924, term of the United States District Court within and for the Southern District of West Virginia the United States attorney for the said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Vernon D. Price Co., a corporation, Huntington, W. Va., alleging shipment by said company, in violation of the food and drugs act, on or about October 8, 1923, from the State of West Virginia into the State of Ohio, of quantities of vinegar which was adulterated and misbranded. A portion of the article was labeled in part: (Jug) "Block House Brand Pure Cider Vinegar * * * Manufactured By Vernon D. Price Vinegar Co., Huntington, W. Va." The remainder of the article was labeled in part: (Bottle) "Pure Cider Crown Quality Trade Mark Vinegar Bottled And Manufactured By Vernon D. Price Vinegar Co. Huntington, W. Va."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for pure cider vinegar, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Pure Cider Vinegar," borne on the packages containing the article, was false and misleading, in that the said statement represented the said article to be pure cider vinegar, to wit, an article made solely from the expressed juice of fresh apples, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure cider vinegar, to wit, an article made solely from the expressed juice of fresh apples, whereas it was not pure cider vinegar but was composed in part of added water. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, pure cider vinegar.

On October 14, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture.*

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¹ Contains instructions to jury.

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12901-12950

[Approved by the Secretary of Agriculture, Washington, D. C., March 27, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

12901. Adulteration of canned blueberries. U. S. v. 231 Cases of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18642. I. S. No. 17876-v. S. No. C-4366.)

On May 6, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 231 cases of blueberries, at Chicago, Ill., alleging that the article had been shipped by Jasper Wyman & Son, from Cherryfield, Me., October 4, 1923, and transported from the State of Maine into the State of Illinois, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Genesee Brand Blueberries."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On November 26, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12902. Adulteration of canned salmon. U. S. v. 338 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19038. I. S. No. 20182-v. S. No. W-1588.)

On September 30, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 338 cases of salmon, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Alaska Consolidated Canneries from Seattle, Wash., on or about August 16, 1924, and transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Surf Brand Choice Alaska Pink Salmon * * * Fresh Salmon * * * Packed By Alaska-Pacific Fisheries Seattle, Wash, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On November 10, 1924, the Alaska Consolidated Canneries having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,775,

in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12903. Misbranding of butter. U. S. v. the Mesa Creamery Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 18098. I. S. No. 8516-v.)

On June 20, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mesa Creamery Co., a corporation, Mesa, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about September 21, 1923, from the State of Colorado into the State of Utah, of a quantity of butter which was misbranded. The article was labeled in part: "1 Lb. Net Weight."

Examination by the Bureau of Chemistry of this department of 90 packages from the consignment showed that the average net weight of the contents of the said packages was 15.48 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "1 Lb. Net Weight," borne on the packages containing the article, was false and misleading, in that the said statement represented that each of said packages contained 1 pound net weight of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net weight of butter, whereas each of said packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 11, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

12904. Adulteration and misbranding of caviar. U. S. v. 10 Dozen Tins of Caviar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19041. I. S. No. 16222-v. S. No. E-4963.)

On October 3, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 dozen tins of caviar, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Austin Nichols Co., New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about May 26, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Casino Brand Caviar Chelsea Packing Co. New York * * * 3 Ozs. Net * * * Colored—Sweetened With Caramel."

Adulteration of the article was alleged in the libel for the reason that a substance, roe other than sturgeon, had been mixed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Caviar * * * Colored—Sweetened with Caramel," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On December 17, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12905. Adulteration and misbranding of oats. U. S. v. 420 Sacks of Oats. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18599. I. S. No. 18036-v. S. No. E-3916.)

On April 19, 1924, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 420 sacks of oats, at Runyan, N. C., alleging that the article named had been shipped by Callahan & Sons, Louisville, Ky., April

11, 1924, and transported from the State of Kentucky into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Sack) "Callahan's Electric White Oats" and was invoiced as "Electric White Oats."

Adulteration of the article was alleged in the libel for the reason that rye and other grains had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement "Oats," appearing in the labeling, was false and misleading and deceived and misled the purchaser, in that the said statement purported that the article was oats, whereas it was not oats but was an admixture of oats, rye, and other grains. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, oats.

On May 7, 1924, Callahan & Sons, Louisville, Ky., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$900, in conformity with section 10 of the act, conditioned in part that it be relabeled "Oats and Other Grains."

W. M. JARDINE, *Secretary of Agriculture.*

12906. Adulteration and misbranding of butter. U. S. v. Fred P. Austin (Spring Valley Creamery). Plea of guilty. Fine, \$100 and costs. (F. & D. No. 18359. I. S. No. 17522-v.)

On June 10, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Fred P. Austin, trading as the Spring Valley Creamery, Morrison, Ill., alleging shipment by said defendant, on or about September 7, 1923, from the State of Illinois into the State of Iowa, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Spring Valley Creamery Butter Manufactured by Spring Valley Creamery, Morrison, Illinois, Net Weight One Pound."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the average moisture content of 3 samples was 19.33 per cent, and the average fat content was 76.43 per cent. Examination by said bureau of 10 packages of the product showed that the average net weight of the packages examined was 15.35 ounces.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the article purported to be. Adulteration was alleged for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements, to wit, "Butter" and "Net Weight One Pound," borne on the packages containing the article, were false and misleading, in that they represented that the article consisted wholly of butter, and that each of the packages contained 1 pound net weight thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, and that each of the packages contained 1 pound net weight thereof, whereas it did not consist wholly of butter but did consist of a product deficient in milk fat and containing an excessive amount of moisture, and each of said packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged for the further reason that the statement, to wit, "Butter," borne on the said packages, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, whereas it did not contain 80 per cent by weight of milk fat but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 20, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

12907. Adulteration and misbranding of canned crushed pineapple. U. S. v. Griffith-Durney Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 17946. I. S. No. 158-v.)

On March 7, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Griffith-Durney Co., a corporation, San Francisco, Calif., alleging shipment by said company, in violation of the food and drugs act, on or about September 11, 1922, from the State of California into the State of New York, of a quantity of canned crushed pineapple which was adulterated and misbranded. The cans were unlabeled and the cases were labeled, "Hawaiian Crushed Pineapple."

Examination of the article by the Bureau of Chemistry of this department showed that it consisted essentially of shredded pineapple core, together with some trimmings.

Adulteration of the article was alleged in the information for the reason that crushed pineapple cores had been substituted in whole or in part for crushed pineapple, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Crushed Pineapple," borne on the cases enclosing the cans containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of crushed pineapple, excluding cores, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of crushed pineapple, excluding cores, whereas it did not so consist but did consist in whole or in part of crushed pineapple cores.

On December 5, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

12908. Misbranding of corn meal. U. S. v. 175 Sacks of Corn Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18900. I. S. No. 16512-v. S. No. E.-4956.)

On August 7, 1924, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 175 sacks of corn meal, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Juliette Milling Co., from Macon, Ga., on or about July 17, 1924, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "Juliette Meal 100 Lbs. When Packed * * * Juliette Milling Co., Macon, Ga."

Misbranding of the article was alleged in the libel for the reason that the statement "100 Lbs. When Packed" was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 29, 1924, the Juliette Milling Co., Macon, Ga., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$900, in conformity with section 10 of the act, conditioned in part that the sacks be relabeled or refilled so that the said labels should correctly describe the product.

W. M. JARDINE, *Secretary of Agriculture.*

12909. Adulteration of shell eggs. U. S. v. William W. Lomenack (Gilmer Produce Co.). Plea of guilty. Fine, \$10. (F. & D. No. 18097. I. S. Nos. 5952-v, 5955-v, 5960-v.)

On March 12, 1924, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William W. Lomenack, trading as the Gilmer Produce Co., Gilmer, Texas, alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, namely, on or about June 30, July 2 and 3, 1923, respectively, from the State of Texas into the State of Louisiana, of quantities

of shell eggs which were adulterated. The article was labeled in part: "From Gilmer Produce Co. Gilmer, Texas."

Examination by the Bureau of Chemistry of this department of 720 eggs, 702 eggs, and 936 eggs from the different consignments showed that 91 eggs, 182 eggs, and 197 eggs, respectively, or 12.6 per cent, 25.9 per cent, and 21 per cent, respectively, of those examined, were inedible eggs consisting of black rots, mixed or white rots, spot rots, blood rings, enlarged embryos, and a few moldy eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and putrid and decomposed animal substance.

On October 6, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

W. M. JARDINE, *Secretary of Agriculture.*

12910. Adulteration of shell eggs. U. S. v. Roy H. Price. Plea of guilty. Fine, \$10. (F. & D. No. 18095. I. S. No. 5947-v.)

On March 27, 1924, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Roy H. Price, Atlanta, Texas, alleging shipment by said defendant, in violation of the food and drugs act, on or about July 1, 1923, from the State of Texas into the State of Louisiana, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From R. H. Price Atlanta Tx."

Examination by the Bureau of Chemistry of this department of the 1,440 eggs in the consignment showed that 158, or 11 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, large blood rings, and enlarged embryos.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and putrid and decomposed animal substance.

On October 6, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

W. M. JARDINE, *Secretary of Agriculture.*

12911. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18932. I. S. No. 12658-v. S. No. E-4929.)

On August 29, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 tubs of butter, consigned on or about August 14, 1924, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the H. C. Christians Co., from Chicago, Ill., and transported from the State of Illinois into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance low in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On December 12, 1924, Arthur Medwedeff, agent for H. C. Christians Co., Chicago, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$350, in conformity with section 10 of the act, conditioned in part that it be reworked to bring the butterfat content up to the minimum of 80 per cent.

W. M. JARDINE, *Secretary of Agriculture.*

12912. Adulteration and misbranding of jellies. U. S. v. Robert J. Purdy (U. S. Preserve Co.). Plea of guilty. Fine, \$50. (F. & D. No. 18758. I. S. Nos. 729-v, 730-v, 731-v.)

On September 26, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Robert J. Purdy, trading as the U. S. Preserve Co., Philadelphia, Pa.,

alleging shipment by said defendant, in violation of the food and drugs act, on or about March 8, 1923, from the State of Pennsylvania into the State of Virginia, of quantities of jellies which were adulterated and misbranded. The articles were labeled in part: "Betsy Ross Brand Jelly Currant Flavor" (or "Plum Flavor" or "Apple") "Fruit Juice, Sugar, Apple Base, U. S. Preserve Co. Phila., Pa. 7 Ozs. Net."

Analyses of the currant and plum jellies by the Bureau of Chemistry of this department showed that they were apple pectin jellies almost devoid of any flavor other than apple. No flavor was detected which would designate the products as currant or plum jellies. Analysis of the apple jelly by said bureau showed that it was an apple jelly containing added pectin, possessing some flavor and aroma of apple.

Adulteration of the currant and plum jellies was alleged in the information for the reason that products composed of apple pectin jelly and containing no currant flavor or plum flavor, as the case might be, had been substituted for jelly, currant flavor, and jelly, plum flavor, which the said articles purported to be. Adulteration of the apple jelly was alleged for the reason that a product composed in part of pectin jelly had been substituted for pure apple jelly, which the said article purported to be.

Misbranding was alleged for the reason that, the statements, to wit, "Jelly Currant Flavor * * * Apple Base," "Jelly Plum Flavor * * * Apple Base," and "Jelly Apple," borne on the labels of the respective products, were false and misleading, in that the said statements represented that the articles were pure jelly, currant flavor with an apple base, pure jelly, plum flavor with an apple base, or pure apple jelly, as the case might be, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were pure jelly, currant flavor with an apple base, pure jelly, plum flavor with an apple base, or pure apple jelly, as the case might be, whereas the said articles did not so consist but the currant and plum jellies consisted of apple pectin jellies having no currant or plum flavor, and the apple jelly consisted in part of pectin jelly. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On December 9, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

12913. Adulteration and misbranding of butter. U. S. v. the Merchants Creamery Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 18587. I. S. Nos. 15041-v, 15042-v.)

On November 17, 1924, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Merchants Creamery Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about December 11 and 13, 1923, respectively, from the State of Ohio into the State of Virginia, of quantities of butter which was adulterated and misbranded. The article was contained in cartons labeled in part: "Rose Brand Creamery Butter The Merchants Creamery Co., Cincinnati, O. One Pound Net." A portion of the article was divided into half-pound prints bearing on the wrappers, "Half Pound Net," and the remainder was divided into 4-ounce prints bearing on the wrappers, "4 oz. Net Weight."

Analysis of the article by the Bureau of Chemistry of this department showed that it was deficient in butterfat. Examination of 90 prints contained in the half-pound wrappers and 96 prints in the 4-ounce wrappers showed an average weight of 7.78 ounces, and 3.72 ounces, respectively.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, to wit, "One Pound Net," borne on the cartons, and the statements, to wit, "Half Pound Net" and "4 Oz. Net Weight," borne on the wrappers on the respective-sized prints, were false and misleading, in that the said statements represented that the cartons contained 1 pound net of the said article, and that the wrappers

contained one-half pound net or 4 ounces net, as the case might be, whereas the cartons contained less than 1 pound net of butter, and the said wrappers contained less than one-half pound net or 4 ounces net, of butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 19, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture*.

12914. Adulteration of canned sardines. U. S. v. 8 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19179. I. S. No. 16886-v. S. No. E-5021.)

On November 20, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information against 8 cases of sardines, remaining in the original unbroken packages at Lawrence, Mass., alleging that the article had been shipped by the Bayshore Sardine Co., from Columbia, Me., August 15, and September 5, 1924, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "B & S Brand Sardines * * * Packed By Bayshore Sardine Co. Addison, Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On December 12, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture*.

12915. Adulteration of canned salmon. U. S. v. 1,200 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond to be salvaged. (F. & D. No. 18548. I. S. Nos. 4907-v, 4915-v. S. No. C-4329.)

On April 19, 1924, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,200 cases of canned salmon, remaining in the original unbroken packages at Clarksville, Tenn., alleging that the article had been shipped by Jones and Williams, Seattle, Wash., on or about September 15, 1923, and transported from the State of Washington into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Tomah Brand Salmon Packed by Bellingham Canning Co., Bellingham, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On October 8, 1924, the Bellingham Canning Co., Bellingham, Wash., having appeared as claimant of the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$6,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed.

W. M. JARDINE, *Secretary of Agriculture*.

12916. Adulteration of walnuts in shell. U. S. v. 45 Bags of Walnuts in Shell. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19175. I. S. No. 13305-v. S. No. E-5014.)

On November 19, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 45 bags of walnuts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Compagnie Francaise de Commerce International & Colonial, from France, on or about November 24, 1922, and transported from a foreign country

into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, putrid, and decomposed vegetable substance.

On December 12, 1924, Joseph S. Rodovsky and Abraham S. Rodovsky, co-partners, trading as the Universal Importing Co., New York, N. Y., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the good portion be separated from the bad portion under the supervision of this department, and the bad portion destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

12917. Adulteration of walnuts in shell. U. S. v. 38 Sacks of Walnuts in Shell. Consent decree of condemnation and forfeiture. Product released under bond to be sorted. (F. & D. No. 19052. I. S. No. 14011-v. S. No. E-4973.)

On October 15, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 38 sacks of walnuts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Philippe Vergnaud, from Bordeaux, France, on or about November 7, 1923, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On December 4, 1924, James W. McGlone, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

12918. Adulteration of chestnuts. U. S. v. 10 Cases of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19169. I. S. No. 13306-v. S. No. E-5015.)

On November 17, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Guiseppe Vitolo, from Naples, Italy, on or about November 17, 1923, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, putrid, and decomposed vegetable substance.

On December 8, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12919. Adulteration and misbranding of powdered colocynth apple. U. S. v. McIlvaine Bros., a Corporation. Tried to the court and a jury. Verdict of guilty. Fine, \$100 and costs. (F. & D. No. 18361. I. S. No. 473-v.)

On June 6, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against McIlvaine Bros., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, on or about June 8, 1923, from the State of Pennsylvania into the State of New York, of quantities of powdered colocynth apple which was adulterated and misbranded. The article

was labeled in part: "Powdered Colocynth Apple McIlvaine Brothers * * * Philadelphia, Penn., 25 lbs."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 25 per cent of seeds and that it yielded 11.39 per cent of fixed oil.

Adulteration of the article was alleged in the information for the reason that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopœia, official at the time of investigation, in that it contained 25 per cent of seeds, and upon extraction with purified petroleum benzine yielded 11.39 per cent of fixed oil, whereas the said pharmacopœia provided that colocynth apple should contain not more than 5 per cent of seeds, and upon extraction with purified petroleum benzine should yield not more than 2 per cent of fixed oil, and the standard of the strength, quality, and purity of the article was not declared on the container thereof.

Misbranding was alleged for the reason that the statement, to wit, "Colocynth Apple," borne on the label attached to the package containing the said article, was false and misleading, in that it represented that the article consisted wholly of colocynth apple, to wit, a product that contained not more than 5 per cent of seeds and yielded not more than 2 per cent of fixed oil, whereas, in truth and in fact, it did not so consist but did consist of a product which contained 25 per cent of seeds and yielded 11.39 per cent of fixed oil. Misbranding was alleged for the further reason that the article was an imitation of colocynth apple and was offered for sale and sold under the name of another article, to wit, colocynth apple.

On June 20, 1924, the case having come on for trial before the court and a jury, a verdict of guilty was returned by the jury, and the court delivered the following opinion (Dickenson, D. J.):

"A statement of the cause of action and of the defense out of which the question to be decided arises may begin with the act of Congress directed against adulterations and misbranding of drugs. There is a product known to the trade as powdered colocynth. This has recognition in the United States Pharmacopœia and to it is applied a pharmacopœial standard of strength, quality, and purity. As the trade name indicates, this product is sold to druggists in a powdered form. What may be called the raw product goes to the manufacturer in a form which gives it, because of this form, the name of apple, and makes it known to the trade as 'colocynth apples.' In the raw product form these apples contain seeds. If these apple seeds and all are reduced to powder it will contain about 25 per cent of seed. In the standard powdered colocynth the percentage of seed ingredient should not exceed 5 per cent. The defendants sold the product of which complaint is made, which was branded and invoiced as 'powdered colocynth apple.' The seed ingredient exceeded the 5 per cent limit and reached approximately 25 per cent. If this had been branded and sold as powdered colocynth, a finding of misbranding and adulteration would not be opposed. The question raised is whether the addition of the word apple relieves the defendants of the charge of misbranding and of adulteration. The real test is to be found in the effects and consequences. To the general public, such a branding without a doubt would be misleading, and from the same viewpoint would be an adulteration because the significance of the addition of the word apple would be lost upon them. Inasmuch, however, as the dealings of the defendants are with the trade, the purchasers would be expected and presumed to know what difference in the product the difference in the label indicated. An administrative ruling would call for the decision that there was a misbranding because anything should be condemned which might mislead. The defendants themselves accept this view and have changed the descriptive branding so as to make the difference between 'powdered colocynth' and 'powdered colocynth apple' clear.

"The question before us is the narrower question of whether there should be a judicial determination that the defendants have incurred the penalty of the act. In view of the fact that the defendants have changed the markings of the product so as to make it clear that there is no pretense that it is the powdered colocynth described in the United States Pharmacopœia, and that it complies with the standard of quality officially established for that product but is something different therefrom, the present ruling is reduced to the more or less formal one of whether the original branding adopted by

the defendants was a violation of the statute. The result of most importance is that manufacturers should be enabled to know definitely what is and what is not a compliance with the statute. An administrative ruling, if followed by a manufacturer, protects him from further criticism but does not necessarily give him the protection, to which he is entitled, against his trade rivals making use of the branding which he has voluntarily abandoned. Nothing short of a judicial ruling will do this. This defendant thus becomes as much concerned with a ruling condemning the branding first adopted as are those who are concerned with the administration and enforcement of the act. Fortunately, the Supreme Court of the United States in the apple cider vinegar case (265 U. S. 439) has charted the course to be followed. The general rule is that the act of Congress should be so read as to further the accomplishment of its purposes, and that not only any branding which is misleading or liable to mislead but also any which is ambiguous should be visited with the condemnation of the act.

"Following the course thus indicated, we encounter the fact finding now made that the branding first given this product has the vice of ambiguity, in that, although it is not expressly stated that the product is what is known to the trade as powdered colocynth and it is stated that it is powdered colocynth apple, yet it is none the less true that the difference in the product is not so stated as to command attention to the fact that there is a difference but is so stated that the difference may be overlooked and the purchaser be buying one product with the thought in his mind that he is buying another.

"As we interpret the spirit and true meaning of the ruling cited, it is that a branding which is misleading because of its ambiguity is as much within the inhibition of the statute as if it was misleading in statement.

"This leads to a finding in favor of the plaintiff and against the defendants, with costs. Following the usual rule no formal judgment or decree is now entered, but the parties have leave to submit a form of decree or judgment in accordance with this opinion."

On October 10, 1924, the court imposed a fine of \$100 and costs against the defendant company.

W. M. JARDINE, *Secretary of Agriculture.*

12920. Adulteration and misbranding of butter. U. S. v. 17 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 19210. I. S. No. 13378-v. S. No. E-5020.)

On November 17, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Schlosser Bros., from Frankfort, Ind., on or about November 6, 1924, and transported from the State of Indiana into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On December 4, 1924, the Schlosser Bros., Inc., Frankfort, Ind., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, or the deposit of collateral in like amount, conditioned in part that the product be reworked under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12921. Adulteration of chestnuts. U. S. v. 20 Barrels of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19138. I. S. No. 16838-v. S. No. E-5007.)

On November 11, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel of information praying the seizure and condemnation of 20 barrels of chestnuts, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Kurtz Bros., from Buffalo, N. Y., October 29, 1924, and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On December 9, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12922. Adulteration and misbranding of vanilla extract. U. S. v. 25 Dozen Bottles of Vanilla Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19086. I. S. No. 16933-v. S. No. E-4995.)

On October 27, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 dozen bottles of vanilla extract, remaining in the original unbroken packages at Worcester, Mass., alleging that the article had been shipped by Morrow & Co., from New York, N. Y., September 12, 1924, and transported from the State of New York into the State of Massachusetts and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, an imitation vanilla extract, mixed and colored in a manner whereby damage or inferiority was concealed, had been substituted wholly or in part for the said article, and for the further reason that an imitation vanilla extract had been mixed and packed with the said article so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statements (bottle carton) "Pure Vanilla Extract For Flavoring" and (carton) "Vanilla These goods Are Guaranteed To Comply With All State And Federal Pure Food Laws United Wholesale Grocery Co. Worcester, Mass." were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article and for the further reason that it was falsely branded as to the State in which it was manufactured or produced.

On December 9, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12923. Adulteration and misbranding of vanilla extract. U. S. v. 35 Dozen Bottles of Vanilla Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19125. I. S. No. 16880-v. S. No. E-5002.)

On November 7, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information against 35 dozen bottles of vanilla extract, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Morrow & Co., from New York, N. Y., August 30, 1924, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle and carton) "Cloverdale Brand Pure Vanilla Extract For Flavoring * * * 2 Fluid Ounces."

Adulteration of the article was alleged in the libel for the reason that a substance, an imitation vanilla extract, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article, and for the further reason that it had been mixed and colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements appearing in the labeling, "Pure Vanilla Extract For Flavoring * * * 2 Fluid Ounces," "These goods are guaranteed to comply with all state and federal pure food

laws," were false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 9, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture*.

12924. Adulteration and misbranding of vanilla extract. U. S. v. 4½ Gross Bottles, et al., of Vanilla Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19177. I. S. Nos. 16931-v, 16932-v. S. No. E-4994.)

On November 20, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4½ gross ounce bottles, 23 quart bottles, and 24 pint bottles of vanilla extract, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Morrow & Co., from New York, N. Y., October 6, 1924, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Strictly Pure Extracts Vanilla Guaranteed To Conform To The Pure Food Laws * * * One Fluid Oz" (or "16 ounces Net").

Adulteration of the article was alleged in the libel for the reason that a substance, an imitation vanilla extract, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements "Strictly Pure Extracts Vanilla Guaranteed To Conform To The Pure Food Laws," borne on the bottles and cartons containing the article, and the statement "16 Ounces Net," borne on the 16-ounce bottles and cartons, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 12, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture*.

12925. Adulteration and misbranding of frozen mixed eggs, frozen egg yolks, and frozen egg whites. U. S. v. 167 20-Pound Tins of Frozen Mixed Eggs, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 18499, 18500, 18501. I. S. Nos. 13142-v, 13143-v, 13144-v. S. No. E-4783.)

On March 21, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 167 20-pound tins of frozen mixed eggs, 24 20-pound tins of frozen egg yolks, and 37 20-pound tins of frozen egg whites, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by C. Holmberg, from Seattle, Wash., on or about February 18, 1924, and transported from the State of Washington into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 1, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture*.

12926. Adulteration of cheese. U. S. v. J. S. Hoffman Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 18757. I. S. No. 20010-v.)

On September 25, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the J. S. Hoffman Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the food and drugs act, on or about April 3, 1924, from the State of Illinois into the State of Colorado, of a quantity of cheese which was adulterated.

Examination by the Bureau of Chemistry of this department of the article showed that it was moldy, softened, bad-smelling, and decayed.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and putrid and decomposed animal substance.

On December 10, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

12927. Adulteration and misbranding of caviar. U. S. v. 90 Cans of Caviar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19040. I. S. No. 16221-v. S. No. E-4962.)

On October 3, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 90 cans of caviar, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Hansen & Dieckmann, New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about August 5, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Dieckmann's Russian Cossack Brand Prime Caviar Hansen & Dieckmann Hamburg New York."

Adulteration of the article was alleged in the libel for the reason that a substance, roe other than that of sturgeon, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statements "Russian Cossack Prime Caviar Hansen & Dieckmann Hamburg * * * Astrakhan," together with the use of the Russian and German languages and the design of a Russian Cossack and foreign medals, appearing in the labeling, were false and misleading, in that they represented that the article was sturgeon roe, when in fact it consisted of roe other than that of sturgeon. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On December 17, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12928. Misbranding of sirup. U. S. v. the Maple Maid Sirup Co., a Corporation. Plea of guilty. Fine, \$150. (F. & D. No. 18366. I. S. Nos. 11507-v, 11508-v, 11509-v, 11511-v, 11860-v.)

On June 20, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Maple Maid Sirup Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the food and drugs act, from the State of Colorado into the State of Wyoming, on or about April 19, and June 2, 1923, respectively, of quantities of Maple Maid sirup, and on or about June 2, 1923, of a quantity of American Maid table sirup which were misbranded. The articles were labeled, respectively: "Maple Maid" (picture of maple grove, buckets, and maid) "Sirup Made from Pure Refined and Maple Sugar Manufactured By The Maple Maid Sirup Co. Denver Colo.," and "American Maid Table Sirup Made From Refined Sugar Maple Flavored Manufactured by The Maple Maid Sirup Co Denver Colorado."

Analyses of samples of the Maple Maid sirup by the Bureau of Chemistry of this department showed that it was a mixture of glucose, cane sugar, and maple sirup, artificially flavored. Analysis of a sample of the American

Maid sirup by said bureau showed that it was a mixture of glucose and sucrose colored with caramel and flavored with artificial maple flavor.

Misbranding of the Maple Maid sirup was alleged in the information for the reason that the statement, to wit, "Maple Maid Syrup," borne on the labels attached to the cans containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of maple sirup, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of maple sirup, whereas it did not so consist, but did consist of an artificially flavored product composed in part of glucose and cane sugar.

Misbranding of the American Maid sirup was alleged for the reason that the statement, to wit, "Syrup Made from Refined Sugar Maple Flavored," borne on the labels attached to the cans containing the article, was false and misleading, in that the said statement represented that the article was a sirup made from refined sugar and flavored with maple, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a sirup made from refined sugar flavored with maple, whereas it was not but was a product composed of commercial glucose and sucrose artificially colored with caramel and artificially flavored with imitation maple flavor.

Misbranding was alleged with respect to both products for the reason that they were imitations of and were offered for sale and sold under the distinctive names of other articles.

On December 2, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

W. M. JARDINE, *Secretary of Agriculture*.

12929. Misbranding of bakery products. U. S. v. the Lindquist Cracker Co., a Corporation. Plea of guilty. Fine, \$120. (F. & D. No. 18723. I. S. Nos. 12116-v, 12119-v, 12120-v, 20603-v, 20604-v, 20605-v.)

On September 16, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lindquist Cracker Co., a corporation, alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about January 11, 14, and 23, 1924, respectively, from the State of Colorado into the States of New Mexico, Wyoming, and Montana, respectively, of quantities of bakery products which were misbranded. The articles were labeled in part, respectively: "'Sincerity' Fig Bar The Lindquist Cracker Co. Denver, Colo. Net Weight 8½ Ozs."; "Sincerity Cocoanut Dainties The Lindquist Cracker Co. Denver, Colo. Minimum Net Weight 7½ Oz."; (case) "1 Doz. 2 Lb. Caddie Grams Crackers from the Lindquist Cracker Co., Denver, Colo."; (package) "Finest Quality Graham Crackers"; "'Sincerity' Health Biscuit Graham Crackers The Lindquist Cracker Co. Denver, Colo. Net Weight 8½ Ozs."; "Sincerity Lemon Wafers Minimum Net Weight 6 ¾ Oz. The Lindquist Cracker Co. Denver, Colo."

Examination of the articles by the Bureau of Chemistry of this department showed that the average net weight of 24 packages of the fig bars from one shipment was 7.8 ounces and that of 48 packages from another shipment was 8.1 ounces, the average net weight of 24 packages of the lemon wafers was 4.6 ounces, the average net weight of 24 packages of the coconut dainties was 6.7 ounces, the average net weight of 48 packages of the alleged 8½-ounce graham crackers was 7.6 ounces, and the average net weight of 12 packages of the alleged 2-pound packages of graham crackers was 1 pound 12.4 ounces.

Misbranding of the articles was alleged in substance in the information for the reason that the statement, to wit, "Net Weight 8½ Ozs." borne on the packages containing the fig bars, the statement "Minimum Net Weight 7½ Oz." borne on the packages containing the coconut dainties, the statement "1 Doz. 2 Lb. Caddie Grams Crackers," borne on the case inclosing the packages containing a portion of the graham crackers, the statement "Net Weight 8½ Ozs." borne on the packages containing the remainder of the graham crackers, and the statement "Minimum Net Weight 6¾ Oz." borne on the packages containing the lemon wafers, were false and misleading, in that the said statements represented that the packages contained the amounts of the respective articles labeled thereon, and for the further reason that the articles were labeled as above so as to deceive and mislead the purchaser into the belief that the said packages contained the amounts of the respective

articles labeled thereon, whereas the packages did not contain the amounts of the respective articles declared on the said labels but did contain less amounts.

On December 2, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$120.

W. M. JARDINE, *Secretary of Agriculture.*

12930. Adulteration and misbranding of sirup and misbranding of coffee and tea. U. S. v. the Early Coffee Co., a Corporation. Plea of guilty. Fine, \$370. (F. & D. No. 18729. I. S. Nos. 10803-v, 10804-v, 11345-v, 11349-v, 11350-v, 12109-v, 12111-v, 12113-v, 12115-v, 12117-v, 12125-v.)

On December 2, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Early Coffee Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about January 9, 17, and 18, 1924, respectively, from the State of Colorado in part into the State of Wyoming and in part into the State of Nebraska, of quantities of sirup, a portion of which was adulterated and misbranded and the remainder of which was misbranded; on or about December 21, 1923, and January 10, 11, 17, and 18, 1924, respectively, from the State of Colorado in part into the State of Wyoming and in part into the State of Nebraska, of quantities of coffee which was misbranded; and on or about January 9, 1924, from the State of Colorado into the State of Wyoming, of a quantity of tea which was misbranded. Four of the shipments of sirup were in unlabeled cans, but were invoiced as sirup, and one shipment was labeled in part: "5# Net Weight The Early Breakfast Table Syrup The Early Coffee Company, Denver, Colo. Corn Syrup and Cane Sugar Flavored with Maple." One shipment of coffee was in unlabeled bags, three shipments were labeled in part, "Early's Coffee Denver," and one shipment was labeled, "Full Pound Net Weight The Early Coffee Co. Denver, Colo." The shipment of tea was labeled in part: "Pound Early's Breakfast Plantation Tea * * * Guaranteed under the Pure Food and Drugs Act June 30, 1906. Packed by T. J. Early Coffee Co. Denver, Colo."

Examination by the Bureau of Chemistry of this department of the unlabeled sirup showed that it consisted in large part of glucose. Examination of 10 cans of the sirup labeled "5# Net Weight" showed an average net weight of 4 pounds 12 ounces. Examination by said bureau of 22 packages of the tea showed an average net weight of 7.8 ounces.

Adulteration of the shipments of unlabeled sirup was alleged in the information for the reason that glucose had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for sirup, which the said article purported to be.

Misbranding was alleged with respect to the said shipments of sirup for the reason that it was composed in part of glucose, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, sirup.

Misbranding of the shipment of labeled sirup was alleged for the reason that the statement "5# Net Weight," borne on the cans containing the article, was false and misleading in that the said statement represented that each of the said cans contained 5 pounds net weight of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 5 pounds net weight of the said article, whereas each of said cans did not contain 5 pounds net weight of the article but did contain a less amount.

Misbranding of the tea was alleged for the reason that the statements, to wit, "Pound" and "Guaranteed under the Pure Food and Drugs Act," borne on the packages containing the article, were false and misleading, in that they represented that each of the said packages contained 1 pound of the article and that it conformed to the requirements of the food and drugs act of June 30, 1906, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound of the article and that it conformed to the requirements of the food and drugs act of June 30, 1906, whereas each of said packages did not contain 1 pound of the article but did contain a less amount, and it did not conform to the requirements of the food and drugs act of June 30, 1906.

Misbranding was alleged with respect to the sirup, tea, and coffee involved in all the consignments for the reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On December 2, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$370.

W. M. JARDINE, *Secretary of Agriculture.*

12931. Adulteration of frozen mixed eggs. U. S. v. 135 Cans of Frozen Mixed Eggs. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 18440. I. S. No. 13137-v. S. No. E-4767.)

On March 1, 1924, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 135 cans of frozen mixed eggs, at Jersey City, N. J., alleging that the article had been shipped by the Franklin Egg Co., Inc., from New York, N. Y., on or about June 7, 1923, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On December 22, 1924, the claimant of the property having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12932. Adulteration and misbranding of butter. U. S. v. 4 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19123. I. S. No. 16878-v. S. No. E-4965.)

On October 21, 1924, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 cases, each containing 80 prints, of butter, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the Mt. Mansfield Co-operative Creamery & Grain Assoc., Inc., Stowe, Vt., and transported from the State of Vermont into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Wrapper) "Mt. Mansfield Jersey Brand Fancy Creamery Butter Manufactured By Mt. Mansfield Co-op. Creamery & Grain Ass'n., Inc., Stowe, Vermont."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been wholly or in part abstracted.

Misbranding was alleged for the reason that the statement appearing in the label, "Fancy Creamery Butter," was false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

During the month of December, 1924, the Mt. Mansfield Co-operative Creamery & Grain Assoc., Inc., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

12933. Misbranding of butter. U. S. v. Beatrice Creamery Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 18744. I. S. No. 15163-v.)

On August 6, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Beatrice Creamery Co., a corporation, trading at Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about

January 22, 1924, from the State of Illinois into the District of Columbia, of a quantity of butter which was misbranded. The article was labeled in part: "Pasteurized Meadow Gold Butter * * * Beatrice Creamery Company Contents One Pound Net Weight."

Examination by the Bureau of Chemistry of this department of 120 prints from the consignment showed that the average net weight of the said prints was 15.6 ounces.

Misbranding of the article was alleged in counts 1 and 2 of the information for the reason that the statement "Contents One Pound Net Weight," borne on the packages containing the article, was false and misleading, in that the said statement represented that the packages contained 1 pound of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained 1 pound net of butter, whereas each of said packages did not contain 1 pound net of butter but did contain a less amount.

Misbranding was alleged in count 3 of the information for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 31, 1924, a plea of guilty to count 3 of the information was entered on behalf of the defendant company, and the court imposed a fine of \$50. Counts 1 and 2 of the information were dismissed.

W. M. JARDINE, *Secretary of Agriculture.*

12934. Misbranding of coffee. U. S. v. the Independence Coffee & Spice Co., a Corporation. Plea of guilty. Fine, \$20. (F. & D. No. 18752. I. S. Nos. 8547-v, 12108-v.)

On December 2, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Independence Coffee & Spice Co., a corporation, Denver, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about January 8, 1924, from the State of Colorado into the State of New Mexico, and on or about January 11, 1924, from the State of Colorado into the State of Nebraska, of quantities of coffee which was misbranded. The article in the shipment of January 8 was labeled in part: (Package) "From Independence Coffee & Spice Co. Denver, Colo. * * * 30 1 Lb. Cans;" (can) "One Pound Steel Cut Breakfast Call Coffee." The article in the shipment of January 11 was labeled in part: (Package) "36 Lb. Tins Breakfast Call Coffee & Spice Co. Denver Colo.;" (can) "One Pound Steel Cut Breakfast Call Coffee * * * The Independence Coffee and Spice Co. Denver, Colo."

Examination by the Bureau of Chemistry of this department of 30 cans of the product from the first consignment and 216 cans from the other consignment showed that the average net weight of the cans examined from each shipment was 15.57 ounces.

Misbranding of the article was alleged in the information for the reason that the statements "30 1 Lb. Cans" and "36 Lb. Tins," borne on the packages containing the respective consignments, and the statement "One Pound," borne on the cans contained in the said packages, were false and misleading, in that the said statements represented that the cans contained 1 pound of coffee, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans contained 1 pound of coffee, whereas they did not but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 2, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

W. M. JARDINE, *Secretary of Agriculture.*

12935. Misbranding and alleged adulteration of tomato paste. U. S. v. 392 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19218. I. S. No. 19060-v. S. No. C-4546.)

On December 2, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure

and condemnation of 392 cases of tomato paste, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Hershel California Fruit Products Co., from San Jose, Calif., September 30, 1924, and transported from the State of California into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Sirena Brand Tomato Sauce * * *;" (case) "Sirena Brand Tomato Paste."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored product had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Tomato Sauce" and "Tomato Paste," appearing on the labels, were false and misleading and deceived and misled the purchaser when applied to a tomato sauce or paste containing artificial color.

On December 26, 1924, Viviano Bros. Co., Inc., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the cans and cases be stamped, "Artificially Colored," under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12936. Adulteration and misbranding of mixed oats. U. S. v. 150 Sacks of Mixed Oats. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18691. I. S. No. 18308-v. S. No. E-3928.)

On or about May 20, 1924, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 150 sacks of mixed oats, at Waynesville, N. C., alleging that the article had been shipped by S. Zorn & Co., Louisville, Ky., May 9, 1924, and transported from the State of Kentucky into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Mixed Oats & Other Grains Crescent Zorn Bleached Grain," the words "Other Grains" being inconspicuously placed on the label.

Adulteration of the article was alleged in the libel for the reason that a substance, screenings, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Mixed Oats" was false and misleading and deceived and misled the purchaser, in that the said statement purported the article to be mixed oats, whereas it was not but was an admixture of screenings bleached with sulfur dioxide, and the words "Other Grains," being inconspicuously placed, did not correct the misleading impression. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, mixed oats.

On June 2, 1924, S. Zorn & Co., Louisville, Ky., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled, "Bleached Crescent Grain Screenings."

W. M. JARDINE, *Secretary of Agriculture.*

12937. Adulteration and misbranding of evaporated milk. U. S. v. 580 Cases of Evaporated Milk. Decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 17982, 17983. I. S. No. 874-v. S. No. E-4568.)

On or about November 21, 1923, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 580 cases of evaporated milk, remaining in the original unbroken packages at Charleston, S. C., alleging that

the article had been shipped by F. H. Tiedeman, from New York, N. Y., on or about August 7, 1923, and transported from the State of New York into the State of South Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Danish Pride Evaporated Milk Made in U. S. A. Net Weight 1 Pound Unsweetened Sterilized."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the statements in the labeling, "Danish Pride Evaporated Milk Made in U. S. A. Net Weight 1 Pound Unsweetened Sterilized Yours for Health," were false and misleading and deceived the purchaser.

On January 21, 1924, no claimant having appeared for the property, a jury was impanelled, which, after the submission of evidence, returned a verdict that the product was misbranded and adulterated as alleged in the libel. Thereupon judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12938. Adulteration and misbranding of tomato sauce. U. S. v. 415 Cases of Tomato Paste. Decree of condemnation. Product released under bond. (F. & D. No. 19176. I. S. No. 20353-v. S. No. W-1610.)

On December 11, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 415 cases of tomato paste, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Hershel California Fruit Products Co., from San Jose, Calif., November 13, 1924, and transported from the State of California into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Salsina Concentrated Tomato Sauce With Basil * * * Packed & Guaranteed By Hershel Cal. Fruit Products Company San Jose, Calif."

Adulteration of the article was alleged in the libel for the reason that a substance, an artificially colored tomato paste, or sauce, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce," appearing in the labeling, was false and misleading and deceived and misled the purchaser when applied to a tomato sauce containing artificial color not declared on the label.

On December 26, 1924, C. L. Jones & Co., Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the claimant upon payment of the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

12939. Misbranding of extract of vanilla. U. S. v. Thomson & Taylor Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 18324. I. S. No. 11397-v.)

On May 28, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomson & Taylor Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act as amended, on or about March 7, 1923, from the State of Illinois into the State of New Mexico, of a quantity of extract of vanilla which was misbranded. The article was labeled in part: "Extract of Vanilla * * * 2 Fluid Ozs."

Examination of the article by the Bureau of Chemistry of this department showed that the bottles contained an average of 1.91 fluid ounces of the said article.

Misbranding of the article was alleged for the reason that the statement, to wit, "2 Fluid Ozs.," borne on the labels of the bottles containing the said article, was false and misleading, in that the said statement represented that the bottles contained 2 fluid ounces of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the pur-

chaser into the belief that the bottles contained 2 fluid ounces of the article, whereas each of said bottles did not contain 2 fluid ounces but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 31, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

12940. Misbranding of flour. U. S. v. 90 Sacks of Flour. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18985. I. S. No. 16523-v. S. No. E-4942.)

On or about September 30, 1924, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 90 sacks of flour, remaining in the original unbroken packages at Columbia, S. C., alleging that the article had been shipped by the Sterling Mills, Inc., from Statesville, N. C., August 26, 1924, and transported from the State of North Carolina into the State of South Carolina, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "When Packed 12 Lbs. Famous Self-Rising * * * Artificially Bleached * * * Sterling Mills Inc. Statesville, N. C."

Misbranding of the article was alleged in the libel for the reason that the statement "When Packed 12 Lbs.," appearing on the sacks containing the article, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 6, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12941. Misbranding of cottonseed feed. U. S. v. Planters Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 18575. I. S. No. 23452-t.)

At the November, 1924, term of the United States District Court within and for the Southern District of Georgia, the United States attorney for the said district, acting upon a report by the Secretary of Agriculture, filed in the District Court an information against the Planters Cotton Oil Co., a corporation, Augusta, Ga., alleging shipment by said company, in violation of the food and drugs act, on or about February 6, 1923, from the State of Georgia into the State of Massachusetts, of a quantity of cottonseed feed which was misbranded. The article was labeled in part: "Danish Brand Cotton Seed Feed Guaranteed Analysis Protein 36.00% Equivalent Nitrogen 5.75%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 5.41 per cent of nitrogen, equivalent to 33.81 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 36% Equivalent Nitrogen 5.75%," borne on the tags attached to the sacks containing the article, was false and misleading, in that the said statement represented that the article contained not less than 36 per cent of protein, equivalent to 5.75 per cent of nitrogen, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 36 per cent of protein, equivalent to 5.75 per cent of nitrogen, whereas the said article contained less than 36 per cent of protein, to wit, 33.81 per cent of protein, equivalent to 5.41 per cent of nitrogen.

On November 22, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

12942. Misbranding of olive oil. U. S. v. Nathan Goodman and Hyman Goodman (N. Goodman & Son). Pleas of guilty. Fine, \$30. (F. & D. No. 16410. I. S. Nos. 6268-t, 15478-t, 15479-t.)

On October 4, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district an information against Nathan Goodman and Hyman Goodman, copartners, trading as N. Goodman & Son, New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about August 23, 1921, from the State of New York into the State of Connecticut, of quantities of olive oil which was misbranded. The article was labeled in part: (Can) "Pure Imported Olive Oil Olio d'Oliwa * * * Stella Alpino Brand Net Contents One Full Quart" (or "Net Contents One Full Half Gallon" or "Net Contents One Full Gallon").

Examination by the Bureau of Chemistry of this department showed that the average volume of 14 of the 1-quart cans, 12 of the half-gallon cans, and 14 of the gallon cans was 0.242 gallon, 0.486 gallon, and 0.965 gallon, respectively.

Misbranding of the article was alleged in the information for the reason that the statements "Net Contents One Full Quart," "Net Contents One Full Half Gallon," and "Net Contents One Full Gallon," borne on the respective-sized cans containing the said article, were false and misleading, in that the said statements represented that the cans contained 1 full quart net, 1 full half-gallon net, or 1 full gallon net, as the case might be, of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans contained 1 full quart net, 1 full half-gallon net, or 1 full gallon net, as the case might be, of the article, whereas the said cans did not contain the amounts declared on the respective labels but did contain less amounts. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 10, 1924, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate amount of \$30.

W. M. JARDINE, *Secretary of Agriculture.*

12943. Adulteration and misbranding of scallops. U. S. v. John F. Javins and Francis H. Javins (Chas. H. Javins & Son). Pleas of guilty. Fine, \$20. (F. & D. No. 19235. I. S. Nos. 15074-v, 15078-v.)

On December 8, 1924, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the district aforesaid an information against John F. Javins and Francis H. Javins, trading as Chas. H. Javins & Sons, Washington, D. C., alleging that on March 12 and 13, 1924, respectively, the said defendants did offer for sale and sell in the District of Columbia, in violation of the food and drugs act, quantities of scallops which were adulterated and misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for scallops, which the said article purported to be.

Misbranding was alleged for the reason that the article was offered for sale and sold under the distinctive name of another article, to wit, scallops.

On December 8, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$20.

W. M. JARDINE, *Secretary of Agriculture.*

12944. Adulteration of walnuts in shell. U. S. v. 268 Bags of Walnuts in Shell. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 19071. I. S. No. 14012-v. S. No. E-4983.)

On October 21, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 268 bags of walnuts in shell, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by A. Sounis, from Buie, France, on or about November 5, 1923, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On November 5, 1924, the Bennett Day Importing Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered,

and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,500, in conformity with section 10 of the act, conditioned in part that the bad portion be removed from the product and denatured and destroyed under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12945. Adulteration of Brazil nuts. U. S. v. 590 Bags, et al., of Brazil Nuts. Decrees entered ordering product released under bond to be reconditioned. (F. & D. Nos. 19107, 19108. I. S. Nos. 12870-v, 13175-v, 13995-v. S. Nos. E-4997, E-4998.)

On November 6, 1924, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 2,588 bags of Brazil nuts, remaining unsold in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by A. H. Alden, Ltd., 823 bags from Manaus, Brazil, on February 22, 1924, and 1,765 bags from Buenos Aires, Argentina, on March 3, 1924, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On November 21, 1924, J. B. Inderrieden Co., Chicago, Ill., having appeared as claimant for the property, and having admitted the allegations of the libels, judgments of the court were entered, ordering the product released to the said claimant upon the execution of bonds in the aggregate sum of \$18,000, in conformity with section 10 of the act, conditioned in part that the nuts be cracked and sorted and disposed of under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12946. Adulteration and misbranding of coal-tar color. U. S. v. 5 Pounds, et al., of Coal-Tar Color. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14817, 14818. I. S. Nos. 4496-t, 4497-t, 4498-t, 4499-t, 3151-t. S. Nos. C-2985, C-2986.)

On April 26, 1921, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 11 pounds of coal-tar color, remaining in the original unbroken packages in part at Beaumont, Tex., and in part at Lufkin, Tex., alleging that the article had been shipped by the W. B. Wood Mfg. Co., from St. Louis, Mo., on or about October 2, 1920, and March 18, 1921, respectively, and transported from the State of Missouri into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "W. B. Wood Mfg. Co. * * * St. Louis, Mo. * * * Complies With All Requirements * * * Quality Color * * * Green" (or "Yellow" or "Purple" or "Blue" or "Red").

Adulteration of the article was alleged in the libels for the reason that sodium chloride and sodium sulphate had been mixed and packed with and substituted for the said article, and for the further reason that it contained added poisonous or deleterious ingredients or arsenic, which rendered the said article injurious to health.

Misbranding was alleged for the reason that the statements, to wit, "Complies With All Requirements Quality Color," appearing on the labels, and the respective statements "Number 1110 Contents Green," or "Number 710," or "810 Contents Yellow," or "Number 1010 Contents Purple," or "Number 910 Contents Blue," or "Number 540 Contents Red," as the case might be, appearing on the labels, were false, in that the said article did not contain the ingredients as indicated by the said labels.

No claimant having appeared for the property, on December 13, 1921, a decree of the court was entered in the case involving 5 pounds of the product, finding it to be adulterated and misbranded and ordering its condemnation and forfeiture, and on April 29, 1924, a decree was entered in the case involving the remainder of the product, finding it to be adulterated and ordering its forfeiture. The court in both instances ordered the product destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12947. Adulteration and misbranding of atropine sulphate, strychnine sulphate, morphine sulphate, codeine phosphate, strychnine nitrate, codeine sulphate, and nitroglycerin tablets. U. S. v. the Standard Laboratories, Inc., a Corporation. Plea of guilty. Fine, \$750. (F. & D. No. 18764. I. S. Nos. 4754-v, 4755-v, 4756-v, 4757-v, 5362-v, 5363-v, 5364-v, 5642-v, 5643-v, 6719-v, 6723-v, 7383-v, 7384-v, 7386-v, 7387-v.)

On December 22, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Standard Laboratories, Inc., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about November 12, 1923, from the State of Illinois into the State of Ohio, of quantities of atropine sulphate, strychnine sulphate, morphine sulphate, and codeine phosphate tablets, on or about October 19, 1923, from the State of Illinois into the State of Missouri, of quantities of codeine phosphate, morphine sulphate, and strychnine nitrate tablets, on or about October 22, 1923, from the State of Illinois into the State of Missouri, of quantities of atropine sulphate and morphine sulphate tablets, on or about October 29, 1923, from the State of Illinois into the State of Minnesota, of quantities of atropine sulphate and morphine sulphate tablets, and on or about November 19, 1923, from the State of Illinois into the State of Louisiana, of quantities of codeine sulphate, nitroglycerin, strychnine sulphate, and atropine sulphate tablets, all of which were adulterated and misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the atropine sulphate tablets, labeled "1-100 Grain," averaged 0.0079, 0.00791, 0.0079, and 0.0078 grain, respectively, of atropine sulphate; the morphine sulphate tablets, labeled "1-4 gr.," averaged 0.222 and 0.225 grain, respectively, of morphine sulphate; the morphine sulphate tablets, labeled "1-2 Grain," averaged 0.445 and 0.38 grain, respectively, of morphine sulphate; the codeine phosphate tablets, labeled "1-4 Grain," averaged 0.222 and 0.22 grain, respectively, of codeine phosphate; the nitroglycerin tablets, labeled "1-100 Grain," averaged 0.0074 grain of nitroglycerin; the strychnine sulphate tablets, labeled "1-60 Grain," averaged 0.0135 grain of strychnine sulphate, and those labeled "1-30 Grain" averaged 0.026 grain of strychnine sulphate; the strychnine nitrate tablets, labeled "1-50 Grain," averaged 0.0174 grain of strychnine nitrate; the codeine sulphate tablets, labeled "1-2 Grain," averaged 0.4203 grain of codeine sulphate.

Adulteration of the articles was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold.

Misbranding was alleged for the reason that the statements, to wit, "500 Tablets Atropine Sulphate 1-100 Grain," "25 Hypodermic Tablets No. 2093 Strychnine Sulphate 1-60 Grain," "Poison 100 Poison Hypodermic Tablets No. 1220 Morphine Sulphate 1/2 Grain," "Poison 100 Poison Hypodermic Tablets No. 666 Codeine Phosphate 1-4 grain," "25 Hypodermic Tablets No. 666 Codeine Phosphate 1-4 Grain," "25 Hypodermic Tablets No. 1210 Morphine Sulphate 1-4 gr.," "25 Hypodermic Tablets No. 2045 Strychnine Nitrate 1-50 Grain," "Poison 100 Poison Hypodermic Tablets No. 1210 Morphine Sulphate 1-4 Grain," "100 Tablet Triturates No. 1221 Morphine Sulphate 1-2 Grain," "Poison 100 Poison Hypodermic Tablets No. 673 Codeine Sulphate 1-2 grain," "25 Hypodermic Tablets No. 1324 Nitroglycerin 1-100 grain," "25 Hypodermic Tablets No. 2119 Strychnine Sulphate 1-30 Grain," and "25 Hypodermic Tablets No. 279 Atropine Sulphate 1-100 Grain," borne on the labels affixed to the containers of the respective articles, were false and misleading, in that the said statements represented that the tablets contained the amounts of the respective articles declared on the said labels, whereas the said tablets in each instance contained less amounts than so declared.

On December 31, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$750.

W. M. JARDINE, *Secretary of Agriculture.*

12948. Adulteration of shell eggs. U. S. v. Henry L. Lewis. Plea of guilty. Fine, \$20. (F. & D. No. 17784. I. S. No. 6179-v.)

On May 6, 1924, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry L. Lewis, Street, Miss., alleging shipment by said defendant, in viola-

tion of the food and drugs act, on or about June 13, 1923, from the State of Mississippi into the State of Louisiana, of a quantity of shell eggs which were adulterated. The article was labeled in part: "H. L. Lewis, Street, Miss."

Examination of the 360 eggs in the consignment by the Bureau of Chemistry of this department showed that 59, or 16.38 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, blood rings, and embryos.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On November 3, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20.

W. M. JARDINE, *Secretary of Agriculture.*

12949. Adulteration and misbranding of canned oysters. U. S. v. 100 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17468. I. S. No. 1041-v. S. No. E-4362.)

On or about April 24, 1923, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases, each containing 4 dozen cans, of oysters, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by S. S. Goffin, from Baltimore, Md., on or about April 20, 1923, and transported from the State of Maryland into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for oysters, which the article purported to be.

Misbranding was alleged for the reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On September 6, 1923, S. S. Goffin, Jacksonville, Fla., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

12950. Adulteration and misbranding of codeine sulphate, morphine sulphate, heroin, nitroglycerin, atropine sulphate, and strychnine sulphate tablets. U. S. v. the Tracy Co., Inc. Plea of nolo contendere. Fine, \$150. (F. & D. No. 18759. I. S. Nos. 15262-v, 15263-v, 15264-v, 15265-v, 15267-v, 15315-v, 15316-v, 15819-v, 15820-v, 15821-v, 15822-v, 15873-v.)

On October 21, 1924, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tracy Co., Inc., trading at New London, Conn., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about November 23, and December 5, 1923, respectively, from the State of Connecticut into the State of Massachusetts, of quantities of codeine sulphate tablets, morphine sulphate tablets, heroin tablets, nitroglycerin tablets, and atropine sulphate tablets, and on or about December 1 and 4, 1923, respectively, from the State of Connecticut into the State of New York, of quantities of morphine sulphate tablets, nitroglycerin tablets, strychnine sulphate tablets, and codeine sulphate tablets which were adulterated and misbranded. The articles were labeled in part: "The Tracy Company" or "The Tracy Company, Inc." * * * "New London, Conn."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that: The codeine sulphate tablets labeled "1-8 gr." averaged not more than 0.107 grain of codeine sulphate to each tablet, and those labeled "1-4 gr." averaged not more than 0.193 grain and 0.156 grain, respectively, of codeine sulphate to each tablet; the morphine sulphate tablets labeled "1-8 gr." averaged 0.067 grain of morphine sulphate to each tablet, and those labeled "1-4 gr." averaged 0.162 grain and 0.215 grain, respectively, of morphine sulphate to each tablet; the nitroglycerin tablets labeled "1-150

gr." averaged not more than 0.00296 grain of nitroglycerin to each tablet, and those labeled "1-100 gr." averaged not more than 0.0063 grain and 0.0064 grain, respectively, of nitroglycerin to each tablet; the heroin tablets labeled "1-6 gr." averaged not more than 0.127 grain of heroin to each tablet; the atropine sulphate tablets labeled "1-100 gr." averaged not more than 0.0081 grain of atropine sulphate to each tablet; the strychnine sulphate tablets labeled "1-60 gr." averaged not more than 0.0139 grain of strychnine sulphate to each tablet.

Adulteration of the articles was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold.

Misbranding was alleged for the reason that the statements, "500 Codeine Sulphate 1-8 gr.," "200 Codeine Sulphate 1-4 gr.," "200 Soluble Hypodermatic Tablets Codeine Sulphate 1-4 Gr.," "400 Morphine Sulphate 1-8 gr.," "200 Morphine Sulphate 1-4 gr.," "200 Soluble Hypodermatic Tablets Morphine Sulphate 1-4 Gr.," "296 Heroin 1-6 Gr.," "500 Nitroglycerin 1-100 gr.," "500 Soluble Hypodermatic Tablets Nitroglycerin 1-100 gr.," "500 H T Nitroglycerin 1-150 gr.," "500 Atropine Sulphate 1-100 gr.," and "500 Soluble Hypodermatic Tablets Strychnine Sulphate 1-60 gr.," borne on the labels attached to the bottles containing the respective articles, regarding the said articles, were false and misleading, in that the said statements represented that each of the tablets contained the amount of codeine sulphate, morphine sulphate, heroin, nitroglycerin, atropine sulphate, or strychnine sulphate, as the case might be, declared on the label, whereas the said tablets contained less codeine sulphate, less morphine sulphate, less heroin, less nitroglycerin, less atropine sulphate, and less strychnine sulphate, as the case might be, than so declared.

On December 31, 1924, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

W. M. JARDINE, *Secretary of Agriculture.*

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Caviar:		Standard Laboratories-----	12947
Hansen & Dieckmann-----	12927	Tracy Co-----	12950
Nichols, A., Co-----	12904	Nitroglycerin tablets:	
Cheese:		Standard Laboratories-----	12947
Hoffman, J. S., Co-----	12926	Tracy Co-----	12950
Chestnuts. <i>See</i> Nuts.		Nuts, Brazil:	
Coal-tar color. <i>See</i> Color.		Alden, A. H-----	12945
Coconut dainties:		chestnuts:	
Lindquist Cracker Co-----	12929	Kurtz Bros-----	12921
Codeine phosphate tablets:		Vitolo, Guiseppe-----	12918
Standard Laboratories-----	12947	walnuts:	
sulphate tablets:		Compagnie Francaise de Com-	
Standard Laboratories-----	12947	merce International & Co-	
Tracy Co-----	12950	lonial-----	12916
Coffee:		Sounis, A-----	12944
Early Coffee Co-----	12930	Vergnaud, Philippe-----	12917
Independence Coffee & Spice Co-----	12934	Oats. <i>See</i> Feed.	
Colocynth apple:		Oil, olive:	
McIlvaine Bros-----	12919	Goodman, N., & Son-----	12942
Color, coal-tar:		Olive oil. <i>See</i> Oil.	
Wood, W. B., Mfg. Co-----	12946	Oysters. <i>See</i> Shellfish.	
Corn meal:		Pineapple, crushed:	
Juliette Milling Co-----	12908	Griffith-Durney Co-----	12907
Cottonseed feed. <i>See</i> Feed.		Plum jelly. <i>See</i> Jelly.	
Currant jelly. <i>See</i> Jelly.		Salmon. <i>See</i> Fish.	
Eggs:		Sardines. <i>See</i> Fish.	
Gilmer Produce Co-----	12909	Scallops. <i>See</i> Shellfish.	
Lewis, H. L-----	12948	Shellfish, oysters:	
Price, R. H-----	12910	Goffin, S. S-----	12949
frozen:		scallops:	
Franklin Egg Co-----	12931	Javins, C. H., & Sons-----	12943
Holmberg, C-----	12925	Sirup:	
Extract, vanilla:		Early Coffee Co-----	12930
Morrow & Co-----	12922, 12923,	maple:	
Thomson & Taylor Co-----	12939	Maple Maid Syrup Co-----	12928
Feed, cottonseed:		Strychnine nitrate tablets:	
Planters Cotton Oil Co-----	12941	Standard Laboratories-----	12947
oats:		sulphate tablets:	
Callahan & Sons-----	12905	Standard Laboratories-----	12947
Zorn, S., & Co-----	12936	Tracy Co-----	12950
Fig bars:		Tea:	
Lindquist Cracker Co-----	12929	Early Coffee Co-----	12930
Fish, salmon:		Tomato paste:	
Alaska Consolidated Canneries-----	12902	Hershel California Fruit Prod-	
Jones and Williams-----	12915	ucts Co-----	12935, 12938
sardines:		Vanilla extract. <i>See</i> Extract.	
Bayshore Sardine Co-----	12914	Walnuts. <i>See</i> Nuts.	
Flour:			
Sterling Mills-----	12940		

¹ Contains opinion of the court.

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 12951-13000

[Approved by the Secretary of Agriculture, Washington, D. C., March 31, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

12951. Adulteration and misbranding of cottonseed meal. U. S. v. 30 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18814. I. S. No. 22261-v. S. No. E-4876.)

On July 3, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 sacks of cottonseed meal, consigned about February 11, 1924, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Eastern Cotton Oil Co., from Edenton, N. C., and transported from the State of North Carolina into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Supreme Cotton Seed Meal * * * Manufactured By Eastern Cotton Oil Company Edenton, N. C."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein and containing excessive fiber had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, to wit, "Supreme Cotton Seed Meal * * * Guarantee Protein not less than 36.00% Equivalent to Ammonia 7.00% * * * Fibre not more than 14.00%," borne on the label, were false and misleading and deceived and misled the purchaser, in that the said statements represented that the article contained 36 per cent of protein and not more than 14 per cent of fiber, whereas it contained less protein and more fiber than declared on the label. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On August 22, 1924, the Eastern Cotton Oil Co., Edenton, N. C., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$150, in conformity with section 10 of the act, conditioned in part that it be relabeled.

W. M. JARDINE, *Secretary of Agriculture.*

12952. Adulteration of frozen whole eggs. U. S. v. 191 Tins and 130 Cans of Frozen Whole Eggs. Consent decrees of condemnation and forfeiture. Product released under bond to be salvaged. (F. & D. Nos. 19214, 19215. I. S. Nos. 13331-v, 13332-v. S. Nos. E-5031, E-5034.)

On December 1, 1924, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 191 tins and 130 cans of frozen whole eggs, remaining in the original unbroken packages at New York, N. Y., alleging that the article had

been shipped by the Wadley Co., in part from Indianapolis, Ind., on or about October 21, 1924, and in part from Pana, Ill., on or about October 8, 1924, and transported from the States of Indiana and Illinois, respectively, into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Monarch Brand Frozen Whole Egg."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On January 7, 1925, Alexander U. Oliver, New York, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$2,500, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

12953. Misbranding of butter. U. S. v. 5 Cases and 5 Cases of Butter. Judgments for the Government. Product ordered released to claimant to be repacked and correctly labeled. (F. & D. Nos. 18422, 18423. I. S. Nos. 7322-v, 7323-v. S. Nos. C-4304, C-4305.)

On February 26, 1924, the United States attorney for the Southern District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 10 cases of butter, at Mobile, Ala., alleging that the article had been shipped by the Laurel Ice & Packing Co., from Laurel, Miss., February 20, 1924, and transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements appearing on the cartons containing a portion of the article, "Sunset Gold Creamery Butter 1 Lb. Net," and the statements appearing on the cartons containing the remainder thereof, "Pride of Mississippi Fancy Creamery Butter. Manufactured by Laurel Ice & Packing Co. Laurel, Miss., Net Weight One Pound When Packed," were false and misleading and deceived the purchaser, in that the net weight of the butter contained in the said cartons was less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the net contents thereof was not plainly and conspicuously marked on the outside of the carton.

On March 7, 1924, the Laurel Ice & Packing Co., Laurel, Miss., having appeared as claimant for the property, judgment was entered for the Government, and it was ordered by the court that the claimant pay the costs of the proceedings and that the product be released to the said claimant to be repacked and correctly marked with the net contents thereof.

W. M. JARDINE, *Secretary of Agriculture.*

12954. Misbranding of butter. U. S. v. 640 Pounds of Butter. Judgment for the Government. Product ordered released to claimant to be repacked and correctly labeled. (F. & D. No. 18416. I. S. No. 7319-v. S. No. C-4298.)

On February 25, 1924, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 640 pounds of butter, at Mobile, Ala., alleging that the article had been shipped by the Mississippi Creamery Assoc., from Jackson, Miss., January 16, 1924, and transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Case) "Mississippi Creamery Assn.;" (carton) "One Pound Net Monogram Creamery Butter."

Misbranding of the article was alleged in the libel for the reason that the following statement appearing on the cartons, "One Pound Net Monogram Creamery Butter," was false and misleading and deceived the purchaser, in that the net weight of the butter contained in the said cartons was less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the net contents thereof was not plainly and conspicuously marked on the outside of the carton.

On March 11, 1924, the Cudahy Packing Co., Chicago, Ill., having appeared as claimant for the property, judgment was entered for the Government, and

it was ordered by the court that the claimant pay the cost of the proceedings and that the product be released to the said claimant to be repacked and correctly marked with the net contents thereof.

W. M. JARDINE, *Secretary of Agriculture.*

12955. Misbranding of butter. U. S. v. 25 Cases of Butter. Judgment for the Government. Product ordered released to claimant to be repacked and correctly labeled. (F. & D. No. 18417. I. S. No. 7321-v. S. No. C-4299.)

On February 25, 1924, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of butter, at Mobile, Ala., alleging that the article had been shipped by the Hanford Produce Co., from Sioux City, Iowa, February 9, 1924, and transported from the State of Iowa into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended.

Misbranding of the article was alleged in the libel for the reason that the following statement appearing on the cartons, "1 Lb. Net Weight Hanford's Fancy Creamery Butter * * * Hanford Produce Co., Sioux City, Iowa," was false and misleading and deceived the purchaser, in that the net weight of the butter contained in the said cartons was less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the net contents thereof was not plainly and conspicuously marked on the outside of the carton.

On March 11, 1924, the Hanford Produce Co., Sioux City, Iowa, having appeared as claimant for the property, judgment was entered for the Government, and it was ordered by the court that the claimant pay the costs of the proceedings and that the product be released to the said claimant to be repacked and correctly marked with the net contents thereof.

W. M. JARDINE, *Secretary of Agriculture.*

12956. Adulteration of canned salmon. U. S. v. 109 Cases and 134 Cases of Salmon. Tried to the court and a jury. Verdict for the Government. Judgment of condemnation and forfeiture. Claimant granted permission to take product down under bond. (F. & D. No. 17469. I. S. Nos. 6252-v, 6253-v. S. No. C-3966.)

On April 28, 1923, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 243 cases of salmon, remaining in the original unbroken packages at Paris, Tex., alleging that the article had been shipped by the Kelly-Clark Co., from Seattle, Wash., October 12, 1922, and transported from the State of Washington into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Sambo Brand Chum Salmon" (or "Snowshoe Brand Salmon") "Packed In Alaska By Southern Alaska Canning Co., Main Office Seattle, Wash., U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance, unfit for food.

On January 5, 1925, the Southern Alaska Canning Co. having appeared as claimant for the property, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel, the court delivered the following charge to the jury (Estes, D. J.):

"GENTLEMEN OF THE JURY:

"This case, a rather unusual proceeding, has been instituted under the provisions of a Federal statute generally known as the pure food and drugs act. The act prohibits the introduction into any State or Territory, from any other State or Territory, of any article of food which is adulterated. According to the provisions of the act, food is to be considered adulterated 'if it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.' It contemplates that the Secretaries of the Treasury, of Agriculture, of Commerce, and of Labor shall make uniform rules and regulations for carrying out the provisions of it, but such rules, so far as I know, have not yet been made. So the enforcement of the law, under conditions like those obtaining here, involves more or less of an original undertaking.

"The evidence, as regards material matters, is uncontroverted. Both parties concede that certain of the cans among the samples taken out of the cases shipped from the State of Washington to Paris, in this State, contained putrid and tainted fish. The samples were gotten on four different occasions, three on behalf of the Government and one on behalf of the claimant, by taking 48 cans from the 109 cases of Sambo brand chum salmon and 48 cans from the 134 cases of Snowshoe brand salmon. The analyses or tests of these samples disclosed a percentage of putrid or tainted fish, varying as the opinions of the witnesses varied.

"Now, the question for you to determine from the production of these samples, taking into consideration the number of them and what the analyses of them disclosed—all the testimony, both for the Government and the claimant, on that point—is whether you find or feel capable of finding that the whole product is adulterated. To illustrate, an examination was made of a shipment of oysters in which some defective oysters were found in every can of the shipment. In that state of affairs, the jury might have no difficulty in determining that the entire shipment was in a state of decomposition or adulterated. On the other hand, if only two or three cans in a large shipment of oysters were found to contain oysters in a state of decay, there might be some doubt in your minds as to whether the entire shipment was thus affected.

"You are therefore to determine, from a preponderance of the evidence, whether this entire shipment of fish contained decomposed or putrid animal matter to the extent that it should be condemned. You should bear in mind, when determining that point, that the law requires nothing impossible of a shipper. The canning industry in this country is one of our largest and most outstanding enterprises. I think there was some testimony that it is impracticable to prevent a fish in a state of decomposition from now and then getting into the cannery and being put into the cans. The theory is that this can not be avoided. On the other hand, there is testimony that the canneries can be so managed, and the fish so handled and treated, as to prevent decaying fish from being put into the cans. The test to determine that is ordinary care.

"If you find and believe, from a preponderance of the evidence, that the parties who canned these fish exercised ordinary care in the handling of their products and found it impracticable to avoid a putrid fish from being canned now and then, and that the percentage of decayed fish found in this shipment represents no more than is inevitable in the canning process, then the claimant would not be responsible here and this shipment would not be condemned, even though the samples disclosed that some of the cans contained putrid or decomposed matter.

"So, in determining whether this shipment can properly be condemned, you should take the question of ordinary care into consideration. I, therefore, charge and instruct you that if you find and believe, from a preponderance of the testimony, that these cases of fish—that is, the 109 cases of Sambo brand chum salmon and 134 cases of Snowshoe brand salmon—consisted in whole or in part of decomposed or putrid animal substance, it will be your duty, unless you find for the claimant under the instruction I shall presently give you, to return a verdict in favor of the Government. If, from the samples procured, you do not find that the proof is sufficient to convince you that a percentage of adulteration existed throughout this shipment, or if you find that no more adulteration existed than was inevitable in canning fish when ordinary and proper care is exercised, your verdict should be for the claimant."

The jury then retired and after due deliberation returned a verdict for the Government.

On January 6, 1925, a judgment of condemnation and forfeiture was entered, and it was ordered by the court that the claimant pay the costs of the proceedings and that the said claimant be granted 90 days within which to make application for the withdrawal of the product under bond for the purpose of its reconditioning and reprocessing.

W. M. JARDINE, *Secretary of Agriculture.*

12957. Misbranding of Foster's backache kidney pills. U. S. v. 38 Dozen Packages of Foster's Backache Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18118. I. S. No. 11701-v. S. No. W-1441.)

On November 27, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure

and condemnation of 38 dozen packages of Foster's backache kidney pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Foster-McClellan [McClellan] Co., from Buffalo, N. Y., on or about August 31, 1923, and transported from the State of New York into the State of California, and charging misbranding in violation of the food and drugs act.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted of potassium nitrate, rosin, fenugreek, uva ursi, and an essential oil such as juniper or turpentine oil, coated with talc and sugar.

Misbranding of the article was alleged in the libel for the reason that the following statements, appearing in the labeling, (box and wrapper, English) "Backache Kidney Pills * * * For Kidney Complaints and diseases arising from disorders of the Kidneys & Bladder Such As Backache, Stiff, Lame or Weak Back, Cold in the Back or Kidneys, Congestion of the Kidneys, Inflammation of the Bladder, Gravel, Scalding Urine, and Urinary Troubles," (circular, English and Spanish) "Backache Kidney Pills" (Spanish "Pills for the Kidneys") "For Kidney Complaints and diseases arising from disorders of the Kidneys & Bladder * * * if relief is not noticed, increase the dose * * * When relief is noticed the dose may be reduced * * * a good medicine," (pasteboard container for one dozen, English and Spanish) "Backache Kidney Pills For the Kidneys and Bladder, Backache, etc.," together with the design or device showing a cut of a figure about waist length, rear view, slightly stooped, head turned to the right, hands pressing on flanks, and inscription on arms, shoulders, and back, "Foster's Backache Kidney Pills," regarding the curative and therapeutic effects of the said article, were false and fraudulent, since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 16, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12958. Adulteration of minced clams. U. S. v. 79 and 390 Cases of Minced Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18855, 18856. I. S. Nos. 20073-v, 20074-v, 20075-v, 20253-v. S. Nos. W-1530, W-1531.)

On July 24, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 469 cases of minced clams, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Pioneer Packing Co., from Cordova, Alaska, June 24, 1924, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water or brine had been mixed and packed with and substituted wholly or in part for the said article.

On December 23, 1924, the Pioneer Packing Co., Cordova, Alaska, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, conditioned in part that the adulterated portion be separated from the unadulterated portion under the supervision of this department, and the adulterated portion destroyed or relabeled.

W. M. JARDINE, *Secretary of Agriculture.*

12959. Adulteration and misbranding of butter. U. S. v. 245 Cases, et al., of Butter. Product released under bond to be reconditioned. (F. & D. Nos. 19089, 19090. I. S. Nos. 7395-v, 7394-v. S. Nos. C-4504, C-4503.)

On or about October 2 and 4, 1924, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 345 cases and 630 pounds of butter, at New Orleans, La., alleging that the article had been shipped by

Armour Creameries, from Springfield, Mo., on or about September 21, 1924, and transported from the State of Missouri into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: (Carton) "Armour's Cloverbloom Pasteurized Creamery Butter * * * Armour And Company General Offices Chicago Distributors." The remainder of the said article was labeled in part: (Carton) "Morris' Supreme Pasteurized Creamery Butter."

Adulteration of the article was alleged in the libels for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement "Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of butter, for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, and for the further reason that the statement "Butter," borne on the said packages, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, whereas the said article did not consist wholly of butter but did consist of a product deficient in milk fat and containing excessive moisture, and it did not contain 80 per cent by weight of milk fat but did contain a less amount.

On October 13, 1924, Armour & Co. and Morris & Co., of New Orleans, La., having appeared as claimants for respective portions of the product, decrees of the court were entered, ordering that the product be released to the respective claimants, upon the execution of bonds in the aggregate sum of \$1,000, conditioned in part that it be reconditioned.

W. M. JARDINE, *Secretary of Agriculture.*

12960. Adulteration of shell eggs. U. S. v. Benjamin Franklin Jones. Tried to the court and a jury. Verdict of guilty. Fine, \$30. (F. & D. No. 17934. I. S. Nos. 4577-v, 4578-v, 4822-v.)

On April 2, 1924, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Benjamin Franklin Jones, Paint Rock, Ala., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, one shipment on or about July 27, and two shipments on August 3, 1923, respectively, from the State of Alabama into the State of Tennessee, of quantities of shell eggs which were adulterated.

Analyses by the Bureau of Chemistry of this department of 2,160 eggs, 1,620 eggs, and 720 eggs from the respective consignments showed that 225 eggs, 258 eggs, and 157 eggs, respectively, (10.6 per cent, 15.9 per cent, and 21.8 per cent, respectively, of those examined) were inedible eggs, consisting of black rots, mixed rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and putrid and decomposed animal substance.

On October 14, 1924, the case having come on for trial before the court and a jury, a verdict of guilty was returned, and the court imposed a fine of \$30.

W. M. JARDINE, *Secretary of Agriculture.*

12961. Adulteration of minced razor clams. U. S. v. 1,446 Cases of Minced Razor Clams. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 18949. I. S. No. 7764-v. S. No. W-1572.)

On September 8, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,446 cases of minced razor clams, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Cordova Packing Co., from Cordova, Alaska, August 7, 1924, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On December 8, 1924, the G. P. Halferty Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

12962. Adulteration of canned salmon. U. S. v. 12,737 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 19025. I. S. No. 20245-v. S. No. W-1590.)

On September 29, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12,737 cases of canned salmon, consigned August 11, 1924, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Libby, McNeill & Libby from Egowik [Egegik], Alaska, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Libby's Red Alaska Salmon Packed * * * By Libby, McNeill & Libby Main Office Chicago."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On December 19, 1924, Libby, McNeill & Libby, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

12963. Adulteration of oysters. U. S. v. Eagle Packing Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 19237. I. S. Nos. 2395-v, 2396-v, 2398-v.)

On December 19, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Eagle Packing Co., a corporation, Baltimore, Md., alleging shipment by said company under its corporate name, and by the said company trading as J. H. Collison Co., on or about February 26, 1924, from the State of Maryland into the State of Pennsylvania, of quantities of oysters which were adulterated. A portion of the article was labeled in part: (Can) "Eagle Packing Co. Baltimore Md. * * * Eagle Brand * * * Baltimore Oysters." The remainder of the said article was labeled in part: (Can) "J. H. Collison * * * 'X C' Lent Brand * * * Packed By J. H. Collison Co. Baltimore, Md."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

On January 6, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

12964. Adulteration of chocolate-coated confections. U. S. v. 33 Cases Chocolate-Coated Confections. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19378. I. S. No. 8020-v. S. No. W-1620.)

On December 12, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 33 cases of chocolate-coated confections, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the San Man Chocolate Co., from Boston, Mass., on or about October 7, 1924, and transported from the State of Massachusetts into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Retail package) "San-Man Chocolates."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On December 26, 1924, the San Man Chocolate Co., Boston, Mass., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12965. Adulteration of shell eggs. U. S. v. Europe Hamlin Caldwell (Scottsboro Produce Co.). Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 18085. I. S. No. 4824-v.)

On March 28, 1924, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Europe Hamlin Caldwell, trading as Scottsboro Produce Co., Scottsboro, Ala., alleging shipment by said defendant, in violation of the food and drugs act, on or about July 30, 1923, from the State of Alabama into the State of Tennessee, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Scottsboro Produce Co. E. H. Caldwell * * * Scottsboro, Ala."

Examination of 720 eggs from the consignment by the Bureau of Chemistry of this department showed that 59 eggs, or 8.2 per cent of those examined, were inedible, consisting of mixed rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On October 14, 1924, the case came on for trial before the court and a jury, and a verdict of not guilty was returned.

W. M. JARDINE, *Secretary of Agriculture.*

12966. Misbranding of feed. U. S. v. the Scott County Milling Co., a Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 18339. I. S. Nos. 9126-v, 9128-v.)

On September 10, 1924, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Scott County Milling Co., a corporation, Sikeston, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about January 17, 1923, and July 16, 1923, respectively, from the State of Missouri into the State of Mississippi, of quantities of feed which was misbranded. A portion of the article was labeled in part: (Tag) "Gristo Milk Maker Analysis: Protein 16½%, Fat 4%. * * * Carbohydrates 60% * * * Scott County Milling Co. Sikeston, Dexter, Oran, Mo." The remainder of the said article was labeled in part: (Tag) "Gristo Work Feed 90% Grain * * * Scott County Milling Co."

Analysis of a sample of the Gristo milk maker by the Bureau of Chemistry of this department showed that it contained 12.46 per cent of protein, 1.73 per cent of fat, and 50.72 per cent of carbohydrates. Examination of the Gristo work feed by said bureau showed that it contained 72.88 per cent of grain.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Analysis: Protein 16½%, Fat 4% * * *

Carbohydrates 60%," with respect to the milk maker feed, and the statement "90% Grain," with respect to the work feed, borne on the respective labels, were false and misleading, in that the said statements represented that the milk maker feed contained not less than 16½ per cent of protein, not less than 4 per cent of fat, and not less than 60 per cent of carbohydrates, and that the work feed contained not less than 90 per cent of grain, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the milk maker feed contained not less than 16 per cent of protein, not less than 4 per cent of fat, and not less than 60 per cent of carbohydrates, and that the work feed contained not less than 90 per cent of grain, whereas the said milk maker feed contained less than 16½ per cent of protein, less than 4 per cent of fat, and less than 60 per cent of carbohydrates, and the work feed contained less than 90 per cent of grain.

On October 14, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

12967. Misbranding and alleged adulteration of vinegar. U. S. v. 75 Barrels, et al., of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 11898, 12067, 12150, 12520, 15394. I. S. Nos. 8192-r, 8197-r, 9730-r, 9742-r, 694-t. S. Nos. C-1696, C-1675, C-1744. C-1856, C-3207.)

On January 12 and 27, February 16, and March 19, 1920, and September 22, 1921, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and subsequently an amended libel with respect to 50 barrels of the product, praying the seizure and condemnation of 405 barrels of vinegar, at Chicago, Ill., alleging that the article had been shipped by the Douglas Packing Co., from Fairport, N. Y., between the dates of August 27, 1919, and August 8, 1921, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. Fifty barrels of the product were labeled in part: "Farm House Brand Pure Apple Cider Vinegar Reduced to 4% * * * Guaranteed To Comply With All Pure Food Laws Douglas Packing Company, Rochester, N. Y." The remainder of the article was labeled in part: "Guaranteed To Comply With All Pure Food Laws Douglas Packing Company Rochester Sun Bright Brand Apple Cider Vinegar Made From Selected Apples Reduced To 4 Per Centum."

Adulteration was alleged with respect to 355 barrels of the product for the reason that a substance made from evaporated or dried apple products had been mixed and packed with and substituted wholly or in part for pure apple cider vinegar.

Adulteration was alleged in the libel as amended with respect to 50 barrels of the Farmhouse brand vinegar for the reason that a substance made from evaporated or dried apple products had been substituted in whole or in part for apple cider vinegar, and for the further reason that a substance made from what is known as waste products of apples, to wit, the skins and cores of apples, which products had been evaporated or dried, had been substituted in whole or in part for apple cider vinegar.

Misbranding was alleged with respect to all the product for the reason that the barrels containing the article bore labels as above set forth, which were false and misleading and deceived and misled the purchaser, in that the article did not consist of pure apple cider vinegar but did consist of a substance made from evaporated or dried apple products. Misbranding was alleged with respect to the said 50 barrels of Farmhouse brand vinegar for the further reason that the above-quoted statements appearing in the labeling were false and misleading and deceived and misled the purchaser, in that the article did not consist of pure apple cider vinegar but did consist of a substance made from what is known as the waste products of apples, to wit, skins and cores of apples, which products had been evaporated or dried.

Misbranding was alleged with respect to all the product for the reason that it was an imitation of and sold under the distinctive name of another article.

On January 12, 1925, the cases having been consolidated into one cause of action and the Douglas Vinegar Co., Rochester, N. Y., having appeared as claimant for the property, judgment of the court was entered, finding the

product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

12968. Adulteration and misbranding of frozen eggs. U. S. v. 182 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18489. I. S. No. 4025-v. S. No. C-4314.)

On March 17, 1924, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 182 cans of frozen eggs, remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the S. Miller Cold Storage Co., Marshfield, Wis., December 27, 1923, and transported from the State of Wisconsin into the State of Michigan, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From S. Miller Cold Storage Co. Marshfield, Wisconsin."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 7, 1924, the Bentley Produce Co., Detroit, Mich., having entered an appearance claiming a factor's lien on the property, and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant to be salvaged, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

12969. Adulteration of shell eggs. U. S. v. the McDonald Co-Operative Equity Mercantile Exchange, a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 18330. I. S. No. 5356-v.)

On October 9, 1924, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the McDonald Co-operative Equity Mercantile Exchange, a corporation, McDonald, Kans., alleging shipment by said company, in violation of the food and drugs act, on or about August 21, 1923, from the State of Kansas into the State of Nebraska, of a quantity of shell eggs which were adulterated. The article was labeled in part: "McDonald Equity Exch McDonald Kansas."

Examination of 540 eggs from the consignment by the Bureau of Chemistry of this department showed that 103 eggs, or 19 per cent of those examined, were inedible, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and putrid and decomposed animal substance.

On December 1, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

12970. Adulteration of frozen eggs. U. S. v. 18 Cans of Frozen Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18485. I. S. No. 4019-v. S. No. C-4313.)

On March 10, 1924, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 18 cans of frozen eggs, remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by Swift & Co., from Decatur, Ill., October 12, 1923, and transported from the State of Illinois into the State of Michigan, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 6, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12971. Adulteration of canned blackberries. U. S. v. 1,200 Cases of Blackberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18229. I. S. No. 7055-v. S. No. C-4265.)

On January 14, 1924, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,200 cases of blackberries, at Detroit, Mich., alleging that the article had been shipped by the Montesano Packing Co., from Gibson, Ind., May 28, 1923, and transported from the State of Indiana into the State of Michigan, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Montesano Brand Evergreen Blackberries * * * Packed by Montesano Packing Co. Montesano, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On June 3, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12972. Adulteration of canned sardines. U. S. v. 9 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17871. I. S. No. 4284-v. S. No. C-4132.)

On October 24, 1923, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cases of sardines, remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the Columbian Canning Co., from Lubec, Me., August 16, 1923, and transported from the State of Maine into the State of Michigan, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Vender Brand American Sardines In Cottonseed Oil Packed By Columbian Canning Co. Lubec Washington Co., Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On December 18, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12973. Adulteration of black-eyed peas. U. S. v. 88 Sacks of Black-eyed Peas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18670. I. S. No. 4371-v. S. No. C-4389.)

On May 12, 1924, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 88 sacks of black-eyed peas, remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by W. T. Sistrunk & Co., from Lexington, Ky., March 15, 1924, and transported from the State of Kentucky into the State of Michigan, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 4, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12974. Misbranding of Euca-Mul. U. S. v. 354 Bottles of Euca-Mul. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14268. I. S. No. 13600-t. S. No. C-2752.)

On February 7, 1921, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the

seizure and condemnation of 354 bottles of Euca-Mul, remaining in the original unbroken packages at Detroit, Mich., alleging that the article had been shipped by the E. G. Binz Co., from Los Angeles, Calif., August 30, 1920, and transported from the State of California into the State of Michigan, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Indicated In Croup * * * Bronchial Asthma Tuberculosis Whooping Cough And Other Throat And Lung Affections * * * relieves * * * bronchial asthma. Especially effective in cough of phthisis and Whooping Cough."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of an emulsion of eucalyptus oil, reducing sugar, glycerin, gum, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements appearing in the labeling were false and fraudulent, in that the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On July 12, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12975. Adulteration of chloroform. U. S. v. 33 Tins, et al., of Chloroform. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16478, 16482, 16483. S. Nos. E-3993, E-3994, E-3996.)

On July 26, 1922, the United States attorney for the Western District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 103 tins of chloroform, consigned between September 2, and November 11, 1921, remaining in the original unbroken packages in various lots at Winchester, and Staunton, Va., respectively, alleging that the article had been shipped from New York, and transported from the State of New York into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained impurities decomposable by sulfuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libels for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, official at the time of investigation, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopœia, and the standard of its strength, quality, and purity was not plainly stated on the containers thereof.

On April 24, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12976. Adulteration of shell eggs. U. S. v. Latham E. Harrison, Benjamin G. Harrison, and Harry D. Harrison (Harrison Mercantile Co.). Pleas of guilty. Fine, \$25. (F. & D. No. 18086. I. S. No. 5353-v.)

On October 9, 1924, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Latham E. Harrison, Benjamin G. Harrison, and Harry D. Harrison, copartners, trading as Harrison Mercantile Co., St. Francis, Kans., alleging shipment by said defendants, in violation of the food and drugs act, on or about August 20, 1923, from the State of Kansas into the State of Nebraska, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Harrison Merc. Co. St. Francis, Kans."

Examination by the Bureau of Chemistry of this department of 1,260 eggs from the consignment showed that 102 eggs, or 8 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed animal substance.

On December 1, 1924, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

12977. Adulteration of butter. U. S. v. 300 Boxes of Butter. Product released under bond. (F. & D. No. 19031. I. S. No. 11631-v. S. No. W-1579.)

On or about September 5, 1924, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 boxes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Union Creamery Co., La Grande, Oreg., on or about June 10, 1924, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat had been substituted wholly or in part for butter, and for the further reason that a valuable constituent, namely, milk fat, had been partially abstracted therefrom.

On December 17, 1924, the product having been theretofore released under bond to the claimant, the Stanley Brokerage Co., Los Angeles, Calif., for the purpose of being reworked and rechurned, a final decree was entered, ordering that the libel be dismissed, that the Government recover costs of the proceedings, and that the bond be exonerated.

W. M. JARDINE, *Secretary of Agriculture.*

12978. Adulteration and misbranding of butter. U. S. v. 112 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be denatured. (F. & D. No. 19398. I. S. No. 13339-v. S. No. E-5040.)

On December 4, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 112 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Glen Ullin Creamery Co., Glen Ullin, N. Dak., on or about July 21, 1924, and transported from the State of North Dakota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On December 31, 1924, the Glen Ullin Creamery Co., Glen Ullin, N. Dak., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,680, in conformity with section 10 of the act, conditioned in part that it be denatured and sold for grease for use in the manufacture of soap.

W. M. JARDINE, *Secretary of Agriculture.*

12979. Adulteration and misbranding of Concord grape soda water flavor. U. S. v. Sethness Co. Plea of guilty. Fine, \$100. (F. & D. No. 18576. I. S. Nos. 1490-v, 4579-v.)

On July 2, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sethness Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act, on or about March 19, 1923, from the State of Illinois into the District of Columbia, and on or about July 27,

1923, from the State of Illinois into the State of Tennessee, of quantities of Concord grape soda water flavor which was adulterated and misbranded. The article was labeled in part: "Cosco Guaranteed By Sethness Company, Chicago, U. S. A. * * * Concord Grape Soda Water Flavor Artificially Colored."

Analysis of a sample from each of the consignments by the Bureau of Chemistry of this department showed that it was an imitation grape flavor, most of the flavor of which was due to methyl anthranilate, and containing little, if any, grape juice, and artificially colored with archil.

Adulteration of the article was alleged in the information for the reason that an artificially-flavored and artificially-colored imitation product had been substituted for Concord grape soda water flavor, which the said article purported to be, and for the further reason that it was a product inferior to Concord grape soda water flavor, to wit, an artificially-flavored imitation product, and had been artificially colored with certain vegetable dye so as to simulate the appearance of Concord grape soda water flavor, and in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Concord Grape Soda Water Flavor," borne in prominent type on the labels attached to the bottles containing the article, not corrected by the statement in inconspicuous type "Artificially Colored," regarding the said article, was false and misleading, in that the said statement represented that the article was Concord grape soda water flavor, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was Concord grape soda water flavor, whereas, in truth and in fact, it was not but was an artificially-flavored imitation product, artificially colored.

On January 10, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture.*

12980. Adulteration of canned salmon. U. S. v. 1,000 Cases of Salmon. Tried to the court and a jury. Directed verdict for claimant. Writ of error to Circuit Court of Appeals. Judgment of district court reversed and case remanded for new trial. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16248. I. S. No. 18665-t. S. No. C-3587.)

On May 1, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,000 cases of salmon, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the C. F. Buelow Co., from Seattle, Wash., March 4, 1922, and transported from the State of Washington into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On June 29, 1923, John H. Leslie & Co., a copartnership, and Surkin & Portnoy, a copartnership, both of Chicago, Ill., having appeared as claimants for the property, the case came on for trial before the court and a jury. After the submission of evidence, a verdict for the claimant was returned by the jury by direction of the court. The ruling of the court was as follows (Carpenter, J.):

"It must be perfectly apparent that the testimony of the Government chemists on cans of salmon that is not in court and that the jury has not seen, that the court knows nothing about, cannot compare with testimony in open court. The offer to the Government witnesses for inspection and for cross-examination they have declined. On this kind of testimony, I can't even insult the jury by requiring them to go into the room to decide this case because I know what they would do, no doubt about it. Let one of you gentlemen sign this as foreman."

The Government having perfected its appeal, the case came before the Circuit Court of Appeals for the Seventh Circuit on a writ of error on January 22, 1924, and the judgment of the district court was reversed and the case remanded for a new trial.

On December 9, 1924, the said claimants, John H. Leslie & Co. and Surkin & Portnoy, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimants,

upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department, and the bad portion destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

12981. Misbranding and alleged adulteration of caviar. U. S. v. 298 Cases and 432 Cases of Caviar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19065. I. S. Nos. 19052-v, 19053-v. S. No. C-4505.)

On October 17, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 730 cases of caviar, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Austin Nichols & Co., from Brooklyn, N. Y., January 1, 1924, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Casino Brand Caviar Chelsea Packing Company, New York."

Adulteration of the article was alleged in the libel for the reason that roe other than sturgeon had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article, and for the further reason that it had been artificially colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement "Caviar" was false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of another article, namely, caviar.

On January 14, 1925, Austin Nichols (Inc.), Brooklyn, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled, "White Fish Caviar, Artificially Colored."

W. M. JARDINE, *Secretary of Agriculture.*

12982. Misbranding of tankage. U. S. v. 130 Sacks of Digester Tankage. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18806. I. S. No. 8847-v. S. No. C-4426.)

On or about July 5, 1924, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 130 sacks of digester tankage, remaining in the original unbroken packages at Orleans, Ind., alleging that the article had been shipped by the Joseph F. Herrmann Co., Chicago, Ill., on or about May 13, 1924, and transported from the State of Illinois into the State of Indiana, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Herrmann's Digester Tankage Joseph F. Herrmann Co. Chicago, Not less than * * * 60% Protein."

Misbranding of the article was alleged in substance in the libel for the reason that the statement appearing in the labeling, namely, "60% Protein," was false and misleading and deceived and misled the purchaser, in that the said article contained less than 60 per cent of protein.

On October 11, 1924, Joseph H. Herrmann & Co., Chicago, Ill., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

12983. Adulteration and misbranding of tomato paste. U. S. v. 252 Cases and 92 Cases of Tomato Paste. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 19204, 19222. I. S. Nos. 22640-v, 22644-v. S. Nos. C-4543, C-4555.)

On November 24, and December 2, 1924, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said

district libels praying the seizure and condemnation of 344 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the New Central Canning Co. (Inc.), on or about October 24, 1924, in part from Buena Park, Calif., and in part from Los Angeles, Calif., and transported from the State of California into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Kitty Brand" (or "Angel Brand") "Tomato Paste Salsa Di Pomodoro Packed By New Central Canning Co. Inc. Buena Park, Cal."

Adulteration of the article was alleged in the libels for the reason that a substance, an artificially-colored tomato paste or sauce, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce [Paste]" was false and misleading and deceived and misled the purchaser.

On December 16, 1924, the New Central Canning Co. (Inc.), claimant, having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled by placing the statement "Artificially Colored" conspicuously on the labels.

W. M. JARDINE, *Secretary of Agriculture.*

12984. Adulteration and misbranding of tomato sauce or paste. U. S. v. 249 Cases and 33 Cases of Tomato Paste. Decrees of condemnation. Product released under bond to be relabeled. (F. & D. Nos. 19190, 19376. I. S. Nos. 22635-v, 22645-v. S. Nos. C-4539, C-4569.)

On or about November 24, and December 11, 1924, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 282 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Hershel California Fruit Products Co., in various consignments, in part from San Jose, Calif., on or about September 30, and October 10, 1924, respectively, and in part from San Francisco, Calif., on or about November 30, 1924, and transported from the State of California into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Tomato Sauce * * * Packed By Hershel Cal. Fruit Prod. Co. Packers Of Contadina Brand San Jose, Cal."

Adulteration of the article was alleged in the libels for the reason that an artificially-colored tomato paste or sauce had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce," appearing in the labeling, was false and misleading and deceived and misled the purchaser when applied to a tomato paste containing artificial color not declared upon the label.

On December 16 and 17, 1924, respectively, the Hershel California Fruit Products Co. (Inc.), San Jose, Calif., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled by placing the statement "Artificially Colored" conspicuously on the labels.

W. M. JARDINE, *Secretary of Agriculture.*

12985. Adulteration and misbranding of tomato paste. U. S. v. 1,142 Cases of Tomato Paste. Decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 19415. I. S. No. 22682-v. S. No. C-4584.)

On December 22, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,142 cases of tomato paste, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the La Sierra Heights Canning Co., from Los Angeles, Calif., on or about November 15, 1924, and transported from the State of California into

the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Deer Tomato Paste * * * Salsa Di Pomodoro Packed By La Sierra Heights Canning Co. Arlington, Cal."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored tomato paste had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Tomato Paste" and "Di Pomodoro," appearing in the labeling, were false and deceived and misled the purchaser.

On December 24, 1924, the La Sierra Heights Canning Co., Arlington, Calif., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,500, in conformity with section 10 of the act, conditioned in part that it be relabeled by placing the statement "Artificially Colored" conspicuously on the labels.

W. M. JARDINE, *Secretary of Agriculture.*

12986. Misbranding of meat scraps. U. S. v. 18 Sacks of Meat Scraps. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18859. I. S. No. 16687-v. S. No. E-4900.)

On July 26, 1924, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 18 sacks of meat scraps, remaining in the original unbroken packages at Columbia, S. C., alleging that the article had been shipped by the Norfolk Tallow Co., from Norfolk, Va., May 15, 1924, and transported from the State of Virginia into the State of South Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Notalco Extra Quality Meat Scraps * * * Guaranteed Analysis Protein Min. 55% * * * Manufactured by Norfolk Tallow Co. Norfolk, Va."

Misbranding of the article was alleged in the libel for the reason that the statement "Guaranteed Analysis Protein Min. 55%," appearing in the labeling, was false and misleading and deceived and misled the purchaser.

On December 15, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12987. Misbranding of butter. U. S. v. 12 Cases of Butter. Judgment for the Government. Product released to claimant to be repacked and relabeled. (F. & D. No. 18415. I. S. No. 7316-v. S. No. C-4297.)

On February 25, 1924, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 cases of butter, at Mobile, Ala., alleging that the article had been shipped by the Meriden Creamery Co., from Kansas City, Mo., February 4, 1924, and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Shipping case) "From The Meriden Cry. Co., Kansas City, Mo."; (carton) "Meadow Cream Pure Creamery Butter One Pound Net."

Misbranding of the article was alleged in the libel for the reason that the following statement appearing on the cartons, "Meadow Cream Pure Creamery Butter One Pound Net," was false and misleading and deceived the purchaser, in that the net weight of the butter contained in the said cartons was less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the net contents thereof was not plainly and conspicuously marked on the outside of the carton.

On March 11, 1924, the Haas-Davis Packing Co., Mobile, Ala., having appeared as claimant for the property, judgment was entered for the Govern-

ment, and it was ordered by the court that the product be released to the said claimant to be repacked and correctly labeled and that the claimant pay the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

12988. Adulteration and misbranding of Wine Berre. U. S. v. 2 Cases, et al., of Wine Berre. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 18919, 18942. I. S. Nos. 5263-v, 9325-v. S. Nos. C-4460, C-4475.)

On or about September 6 and 8, 1924, respectively, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure of 2 cases and 26 gallons, 111 pints, and 8 quarts of Wine Berre, remaining in the original unbroken packages, in part at Atchison, Kans., and in part at Topeka, Kans., alleging that the article had been shipped by the Kansas City Kola Co., Kansas City, Mo., between the dates of April 5 and May 14, 1924, and transported from the State of Missouri into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Drink Wine-Berre" (cut of berries) "Color Added;" (carton) "With The Tang Of The Berry Patch" Wine-Berre Manufactured By The Kaw Valley Fruit Products Co., Kansas City, Mo. Wine Berre-Punch Wine Berre is made with the use of the pure juice of ripe berries * * * Wine Berre-Punch."

Adulteration of the article was alleged in the libels for the reason that an artificially-colored imitation containing only a small amount of fruit had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements appearing in the labeling, "With The Tang Of The Berry Patch," Wine-Berre, Wine-Berre is made with the use of the pure juice of ripe berries, Wine Berre Punch, Drink Wine Berre," were false and misleading and deceived the purchaser into believing it to be a genuine article, when, in truth and in fact, it was an imitation of another article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 3, 1924, the Wine Berre Co. (Inc.), Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of decrees, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be rebranded to show its true contents.

W. M. JARDINE, *Secretary of Agriculture.*

12989. Adulteration and misbranding of vinegar. U. S. v. 7 Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14439. I. S. No. 4377-t. S. No. C-2793.)

On February 11, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 barrels of vinegar, at Galena, Ill. alleging that the article had been shipped by the National Vinegar Co., from Palatine Bridge, N. Y., October 27, 1920, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that distilled vinegar, or acetic acid, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and for the further reason that apple waste had been substituted in part for pure cider vinegar.

Misbranding was alleged in substance for the reason that the barrels containing the article bore the statements "New York State Pure Cider Vinegar Reduced To New York State Standard 4 Per Centum By J. C. Vosburgh Canajoharie, New York," which were false and misleading, in that the said statements represented that the article consisted of pure cider vinegar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure cider vinegar, whereas distilled vinegar, or acetic acid, had been mixed therewith. Misbranding was alleged for the further reason that the article was an imitation of and was

offered for sale under the distinctive name of another article, to wit, pure cider vinegar.

On January 19, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12990. Misbranding and alleged adulteration of tomato sauce. U. S. v. 36 Cases of Tomato Sauce. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19165. I. S. No. 20979-v. S. No. W-1607.)

On November 13, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 36 cases of tomato sauce, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Best Foods (Inc.), from San Francisco, Calif., September 20, 1924, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Tomato Sauce * * * Packed By Hershel Cal. Fruit Prod. Co. * * * San Jose Cal. Packers of Contadina Brand Naples Style Tomato Sauce."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored tomato paste had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Tomato Sauce" and "Salsa Di Pomodoro" were false and misleading and deceived and misled the purchaser.

On January 2, 1925, the Hershel California Fruit Products Co., San Jose, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

12991. Misbranding of butter. U. S. v. 2,010 Pounds of Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18959. I. S. No. 18344-v. S. No. C-4472.)

On or about August 25, 1924, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2,010 pounds of butter, at Knoxville, Tenn., alleging that the article had been shipped by the Sugar Creek Creamery Co., Louisville, Ky., August 14, 1924, and transported from the State of Kentucky into the State of Tennessee, and charging misbranding in violation of the food and drugs act. The article was contained in parchment wrappers bearing the statement "Four Ounces Net."

It was alleged in substance in the libel that the article was misbranded in that the packages labeled "Four Ounces Net" did not each contain 4 ounces net of butter but did contain a less amount.

On November 3, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12992. Misbranding of butter. U. S. v. 55 Pounds of Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18970. I. S. Nos. 18342-v, 18343-v. S. No. C-4477.)

On or about August 28, 1924, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 55 pounds of butter, at Chattanooga, Tenn., alleging that the article had been shipped by the Andrew Rohan Co., Cincinnati, Ohio, August 12, 1924, and transported from the State of Ohio into the State of Tennessee, and charging misbranding in violation of the food and

drugs act. The article was labeled in part: (Carton) "Red Ribbon One Pound Net Creamery Butter * * * Churners And Wholesale Distributors, The Andrew Rohan Co., Cincinnati, Ohio."

It was alleged in substance in the libel that the article was misbranded in that the packages labeled "One Pound Net" did not each contain 1 pound net of butter but contained a less amount.

On November 3, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12993. Misbranding of butter. U. S. v. 45 Packages of Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 18969. I. S. No. 18341-v. S. No. C-4476.)

On or about August 19, 1924, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 45 packages of butter, at Chattanooga, Tenn., alleging that the article had been shipped by the Evansville Pure Milk Co., Evansville, Ind., August 11, 1924, and transported from the State of Indiana into the State of Tennessee, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Made From Pasteurized Cream Evansville Pure Milk Company * * * Evansville, Indiana * * * One Pound Net When Packed."

It was alleged in substance in the libel that the article was misbranded, in that the packages labeled "One Pound Net" by weight did not each contain 1 pound of butter but contained a less amount.

On November 3, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12994. Adulteration of chestnuts. U. S. v. 8 Cases of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19416. I. S. No. 16178-v. S. No. E-5053.)

On December 9, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 cases of chestnuts, remaining in the original unbroken packages at Philadelphia, Pa., consigned by A. Princi, New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about December 1, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On January 26, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12995. Adulteration of chestnuts. U. S. v. 2 Barrels of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19417. I. S. No. 16177-v. S. No. E-5054.)

On December 9, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 barrels of chestnuts, remaining in the original unbroken packages at Philadelphia, Pa., consigned by F. Romeo & Co. (Inc.), New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about November 19, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On January 26, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12996. Misbranding of butter. U. S. v. 75 Pounds of Butter. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 19056. I. S. Nos. 19826-v, 19827-v, 19828-v. S. No. C-4492.)

On or about September 11, 1924, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 75 pounds of butter, at Bristol, Tenn., alleging that the article had been shipped by the Darter Butter Co., Bristol, Va., August 21, 1924, and transported from the State of Virginia into the State of Tennessee, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Lily Butter Pasteurized One Pound Net When Packed Darter Butter Co. Bristol, Va.-Tenn."

It was alleged in substance in the libel that the article was misbranded in that the packages labeled "One Pound Net" did not each contain 1 pound net of butter but contained a less amount.

On November 3, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

12997. Adulteration of butter. U. S. v. 17 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 18843. I. S. No. 17793-v. S. No. C-4431.)

On July 7, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 tubs of butter, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the Alma Dry Milk Co., from Alma, Wis., June 28, 1924, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom.

On July 10, 1924, Gallagher Bros., Chicago, Ill., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department, so as to bring the milk fat content up to 80 per cent.

W. M. JARDINE, *Secretary of Agriculture.*

12998. Adulteration and misbranding of butter. U. S. v. 3,840 Pounds of Butter. Judgment for the Government. Product released under bond to be retreated. (F. & D. No. 18964. I. S. No. 19778-v. S. No. C-4473.)

On August 23, 1924, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3,840 pounds of butter, at Memphis, Tenn., alleging that the article had been shipped by the Sardis Creamery Co., from Sardis, Miss., August 7, 1924, and transported from the State of Mississippi into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Clearbrook Creamery Butter Net Weight One Pound."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement "Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, whereas it did not but did consist of a product deficient in milk fat and containing excessive moisture. Misbranding was alleged for the further reason that the statement "Butter," borne on the said packages, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

On November 18, 1924, the Sardis Creamery Co., Sardis, Miss., having appeared as claimant for the property, judgment was entered for the Government, and the product was bonded by the said claimant. On January 7, 1925, the product having been retreated so as to meet the objections of this department, it was ordered by the court that the bond be exonerated and that the claimant pay the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

12999. Misbranding and alleged adulteration of milk chocolate. U. S. v. 6,200 Pounds of Milk Chocolate. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19085. I. S. No. 18612-v. S. No. C-4038.)

On October 24, 1924, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6,200 pounds of milk chocolate, at Winona, Minn., alleging that the article had been shipped by the Rice Chocolate Co., from Boston, Mass., on or about June 24, 1924, and transported from the State of Massachusetts into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Wrapper) "Clover Milk," (tag on bag) "From Rice Chocolate Co. Boston, Mass. * * * Material Clover Milk."

Adulteration of the article was alleged in the libel for the reason that a substance, chocolate deficient in milk solids, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, appearing in the labeling, "Clover Milk," "Material Clover Milk" were false and misleading and deceived and misled the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On November 18, 1924, H. D. Foss & Co., Winona, Minn., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation, and it was further ordered by the court that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

W. M. JARDINE, *Secretary of Agriculture.*

13000. Adulteration and misbranding of mixed oats. U. S. v. 300 Sacks of Crescent Mixed Oats. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18694. I. S. No. 18305-v. S. No. C-4397.)

On May 16, 1924, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 sacks of Crescent mixed oats, remaining in the original unbroken packages at Clarksville, Tenn., alleging that the article had been shipped by S. Zorn and Co., Louisville, Ky., on or about May 7, 1924, and transported from the State of Kentucky into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Crescent Mixed Oats * * * Other Grains Zorn Bleached Grain."

Adulteration of the article was alleged in the libel in that a substance, screenings, had been substituted wholly or in part for the said article.

Misbranding was alleged in that the designation "Mixed Oats" was false and misleading and deceived and misled the purchaser, and the words "Other

Grains," inconspicuously placed on the label, did not correct the misleading impression conveyed. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On June 4, 1924, S. Zorn & Co., Louisville, Ky., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled, "Bleached Crescent Grain Screenings."

W. M. JARDINE, *Secretary of Agriculture.*

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¹ Contains a ruling of the court.

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Huisking, Charles.....	12075	Savin oil:	
Porto Rico Drug Co.....	12075	Magnus, Mabee & Reynard.....	12252
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DeWitt, E. C., & Co.....	12066	Palestine Drug Co..	12125, 12366, 12559, 12662

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Smith, C. F.....	12010, 12048,	Tydings & Co.....	12839
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Sanitary Products Co.....	12045		



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